

DEPARTMENT OF ENERGY
OFFICE OF ENVIRONMENT, SAFETY and HEALTH (EH)

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In the Matter of:	*
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10 CFR 851	*
Worker Safety and	* Docket No. EH-RM-04-WSHP
Health Supplemental	*
Notice of Proposed	*
Rulemaking	*
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Televideo Public Hearing
Thursday, April 21, 2005

Richland, Washington

The above-entitled matter came on for
hearing, pursuant to notice at 10:00 a.m.

PANEL PRESENT:

BILL MCARTHUR
JACQUELINE ROGERS
ROY GIBBS
MARVIN SHAW

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P R O C E E D I N G S

MR. MCARTHUR: I am Bill McArthur. I would like to open this hearing by reading a prepared statement and then we will move on from that point.

Good morning and welcome or good afternoon for the people on the East Coast and welcome. As I said I am Bill McArthur, I am the Director of the Office of Worker Protection Policy and Programs within the Office of Environment Safety and Health.

On behalf of the Department of Energy, I would like to personally thank you for taking the time to participate in this public hearing concerning the Supplemental Proposed Worker Safety and Health Rule. Particularly those of you who had traveled to be here or to be at the site that you are going to give the testimony at.

The purpose of this hearing is to receive oral testimony from the public on the Department of Energy's Supplemental Notice of Proposed Rulemaking NOPR, for Workers Safety and Health, 10 CFR Part 851. Your comments are not only appreciated, they are essential in developing the final rule. The comments received here today and those submitted during the written comment period, which ends on April 26 of 2005, will assist the Department in the

1 rulemaking process. All written comments must be
2 received by this due date to ensure consideration by
3 DOE. The address for sending comments is Jacqueline
4 D. Rogers, U.S. Department of Energy, Docket No. EH-
5 RM-04-WSHP, Room GA098, 1000 Independence Avenue,
6 S.W., Washington, D.C. 20585-0270. Also comments
7 can be filed electronically on the website
8 established for the rulemaking process. The URL for
9 the Internet website is
10 <http://www.eh.doe.gov/rulemakingwsh>. That is one
11 word, rulemakingwsh.

12 As the presiding official of this hearing,
13 I would like to set forth the guidelines for
14 conducting the hearing and providing other pertinent
15 information.

16 This is not an evidentiary or judicial
17 hearing. It will be conducted in accordance with
18 Section 553 of the Administrative Procedures Act and
19 Section 501 of the DOE Organizational Act, 42 USC
20 Section 7191. To provide the Department with as
21 much pertinent information as many views as can be
22 reasonably obtained and to enable interested persons
23 to express their views. The hearing will be
24 conducted in accordance with the following
25 procedures:

1 Speakers will be called to testify in the
2 order indicated on the agenda. Speakers have been
3 allotted 10 minutes for their verbal statements.
4 Anyone may make an unscheduled oral statement after
5 all scheduled speakers have been delivered. To do
6 so, please submit your name to the registration desk
7 before the conclusion of the last scheduled speaker.

8 And at the conclusion of all presentations,
9 scheduled speakers will be given the opportunity to
10 make rebuttal or clarifying statements. To do so,
11 please let us have your name. Only members of the
12 DOE Panel conducting the hearing will be allowed to
13 ask questions of the speakers.

14 In approximately 20 days the transcript of
15 this hearing will be available for inspection and
16 copying on the website, URL is
17 <http://www.eh.doe.gov/rulemaking>. As mentioned
18 earlier, the comment period will close on April 26,
19 2005. All written comments received will be made
20 available for public inspection on the website
21 given. Three copies of comments are requested. If
22 you have any questions concerning the submission of
23 comments please contact Jacqueline Rogers at (202)
24 586-4714.

25 Any person submitting information which he

1 or she believes to be confidential and exempt by law
2 from public disclosure should submit to the
3 Washington, D.C. address a total of four copies, one
4 copy complete with confidential material and three
5 copies without confidential information. In
6 accordance with the procedures established in 10 CFR
7 1004.11, the Department of Energy shall make its own
8 determination as to whether or not the information
9 shall be exempt from public disclosure.

10 We appreciate the time and effort you have
11 taken in preparing your statements and am pleased to
12 receive your comments.

13 I would now like to introduce the Panel.
14 Joining me today is Roy Gibbs, and the other panel
15 members we also have other individuals here. The
16 other panel members, Jackie, you are going to have
17 to say something so that your television screen pops
18 up, Ms. Jacqueline Rogers from my office. Jackie,
19 you need to speak.

20 MS. ROGERS: In the Forrestal Building,
21 Forrestal Building here in Washington.

22 MR. MCARTHUR: And Mr. Marvin Shaw of the
23 Attorney's Office.

24 MR. SHAW: Right, I am with the Office of
25 General Counsel, Division of Civil Nuclear Programs.

1 MR. MCARTHUR: For the record, I am asking
2 each speaker to state his or her name and whom you
3 represent before making your statements. Thank you.
4 And that concludes the formal introductory comments.

5 We have several people here in Germantown
6 and Ms. Rogers and Mr. Shaw are at the Forrestal
7 Building Downtown Washington, D.C. And we will go
8 through the process that I mentioned giving each
9 speaker on the schedule the appropriate time. And
10 with that, Jackie, I will turn it over to you.

11 MS. ROGERS: Okay. We are going to turn it
12 over to John Cavano, who actually has the list out
13 in Richland. And we are going to ask that John
14 Cavano call the first speaker to the podium, please.

15 MR. CAVANO: Very well. We are ahead of
16 schedule, which is good. The first speak is Dave
17 Roberts. And Dave, if you will sit up at the table
18 here. Here is the microphone they can hear, talk
19 normal.

20 PRESENTATION BY DAVE ROBERTS:

21 MR. ROBERTS: Good morning or afternoon. My
22 name is Dave Roberts. I am a Hanford Tank Farm
23 worker. I work for the Department of Energy with
24 the current tank farm contractor, CCH-2 M-Hill. I
25 am the Operation Steward, Tank Farms. And so I may

1 *have a little bit different capacity as some of the*
2 *other speakers. And may refer to "we" as a*
3 *collective unit addressing some of the issues that I*
4 *would like to talk about.*

5 *I am going to start by going back in my*
6 *work place and addressing specific work issues at my*
7 *work place, referring to either topics that the*
8 *contractor failed to recognize or disclose to the*
9 *employees, the work force, and we feel that those*
10 *weren't very responsible actions.*

11 *I am only going to go back about two years,*
12 *okay, we feel we have some significant. We had a*
13 *heightened awareness among the work force in some of*
14 *the activities with the tank farm contractor. The*
15 *mission was to start a retrieval operations at tank*
16 *farms to clean out the remainder in all the tank*
17 *farm tanks. We noticed with the start of this*
18 *retrieval work an introduction of new processes and*
19 *in doing so, it created some different hazards. And*
20 *maybe not unique hazards, I think what it did was it*
21 *heightened, some of the hazards that were already*
22 *there, but it most certainly elevated exposure to*
23 *employees.*

24 *Like I said, it was a little under two*
25 *years ago we had a few employees that had received*

1 *in a couple of cases significant amount of vapors,*
2 *chemical vapor exposure, vapor exposure at tank*
3 *farms. It led to some inquiry by the work force to*
4 *question whether appropriate PPE and what types of*
5 *hazards the work force was being subject to. In*
6 *conversation with the company, there was some denial*
7 *on anything that was hazardous and led to the work*
8 *force creating a stop work issue to have these*
9 *questions addressed.*

10 *At the initial stop work, I was involved*
11 *with that, in one particular tank farm where we*
12 *started these retrieval processes, the company*
13 *brought forth the contractor, brought forth some*
14 *information and stated that there was, at that time,*
15 *only 125 different constituents in the tanks that*
16 *the workers, approximately 125, excuse me, different*
17 *chemicals and makeups that the workers were being*
18 *exposed to in that tank farm and that an APR, which*
19 *is a simple air purifying respirator, would be*
20 *sufficient enough to protect the workers from that*
21 *environment.*

22 *We found that later on down the road, after*
23 *we had lifted the stop work, we got a statement from*
24 *the company addressing, addressing and verifying*
25 *that indeed it was only approximately 125 chemicals*

1 that the work force was being exposed to. And that
2 we had the appropriate PPE. We later inquired about
3 other chemicals and there was, we would get some
4 pretty vague answers on or chemical vapors, pretty
5 vague answers on what employees were exposed to and
6 once again, had the appropriate PPE. It was found
7 that, you know, this thing happened in steps. And
8 other chemicals came forward until we had reached a
9 total of approximately 1800 different chemical or
10 chemical makeups that the employees were exposed to
11 and that the APRs were not the appropriate PPE and
12 have since gone to a supplied air system for
13 addressing vapors at tank farms.

14 This was a real excruciating process. I
15 can tell you that the work force initiated several
16 stop work actions to get questions answered as to
17 appropriate PPE, different types of chemicals, that
18 we were being exposed to. And it was very
19 frustrating.

20 When we or the company finally recognized
21 the need for a higher PPE to fresh air, we ran into
22 some problems with the use of tested or, let's say
23 approved PPE. There was an exception letter written
24 by the contractor to ORPRL, to allow an OSHA
25 exemption for an intermixing or different types of

1 PPEs, not approved by OSHA. The exemption letter
2 claimed that it was approved by OSHA and found that
3 on our own research by contacting the various
4 agencies, we found that the PPE had not been
5 approved. An exemption was not ever issued from
6 OSHA, and that once the contractor found that, that
7 we had knowledge of this information, they quickly
8 recalled the PPE and was forced to purchase the
9 correct approved stuff by NIOSH, OSHA and it was
10 later, later issued out here on site.

11 It has just been very frustrating because
12 the work force has, like I said, once again,
13 initiated a lot of the stop work. The contractor
14 has claimed that they are the ones that, in several
15 meetings that I have been involved in, that they are
16 the ones who recognized the problems and, or the
17 hazards that the employee was exposed to and they
18 are the ones who initiated the PPE to protect the
19 work force, when, in fact, we found that not to be
20 true. You know, there were several meetings
21 between, it has really been quite an uphill battle
22 there.

23 Basically, we had another incident that
24 where, before we went on supplied air or any kind of
25 requirements, respiratory requirements, an issue was

1 addressed through DOERL of employee concerns. And
2 this is quite concerning to me, they reverted the
3 concern back to the contractor to handle the issue
4 and the issue quickly went away. We basically had
5 an exposure to some workers where a test was being
6 performed in the tank farm, the test wasn't
7 communicated to the workers. They received an
8 exposure. It wasn't communicated properly to the
9 workers, and RL reverted the concern back to the
10 contractor. The contractor quickly apologized to
11 the employees and resolved the issue. You know, it
12 would be nice to have and these exemptions, the DOE
13 proposal for these exemptions really concern me
14 because number one, some of the programs in place
15 for employees to address concerns like I just
16 mentioned, Employees Concerns Program, with DOE is
17 already, doesn't seem like it is a very good system,
18 but, if we create more exemptions for the
19 contractors, it seems like they will find more
20 loopholes, you know, and things to not protect the
21 employees.

22 The Tank Farm Contractor, to combat these
23 concerns that were raised, I think in conjunction
24 with, at their request and in conjunction with DOE,
25 created the Health Effects Panel. And there is, I

1 don't have a list of names who makes up this Health
2 Effects Panel in working with the contractor,
3 developed a technical basis document to answer
4 employee concerns and exposure inquiries. The
5 document was based on hypothesis of various
6 processing plants that had dumped chemicals into the
7 tank farms. We had, the work force, has asked
8 several times instead of basing their analysis on
9 calculations and/or prior information to actually
10 perform sampling in the tanks at tank farms and show
11 us exactly, in more real time, what we are being
12 exposed to. They did start a program like this. It
13 was after several, you know, requests to get the
14 ball rolling. They have a sampling group, but at
15 that time it was more nonchalant. An example I like
16 to use is we performed at a job that maybe some
17 folks may be familiar with at 244 CR VOLT, where the
18 company used 1978 data to perform the work
19 activities there and it resulted in over exposure to
20 at least one worker, and hyped exposure to others.
21 We had requested to do sampling prior to that, the
22 company, when they had with the work and used 1978
23 data to perform those work activities, there had
24 been several additions to that work area, I mean,
25 that tank, that work area, and so, that information

1 couldn't have been real time or very accurate in
2 depleting what the employees were really exposed to.

3
4 It is just kind of sad that the employees,
5 you know, if the contractor were to even further
6 increase their ability to set their guidelines, has
7 demonstrated that they are not very trustworthy and
8 the work force does not have a lot of confidence in
9 the activities being performed at tank farms. That
10 is why we are in the mode that we are in today. We
11 are in extreme PPE. We know that poses another
12 hazard to the work force, but this is the route the
13 company is, contractor, excuse me, has chosen to
14 provide protect the employees. They started
15 initiating engineering controls, but initially the
16 first year they were real reluctant about doing
17 engineering control, forced the PPE onto, this
18 extreme PPE onto the work force and we are still in
19 that mode, you know, it has created more problems.
20 We have asked to have the engineering and more adman
21 controls to help reduce the PPE, so we don't create
22 the secondary hazard. But, it is slowly starting to
23 come around. And like I said, it is due to a lot of
24 pressure put on by the workers. And it is quite
25 evident to us that if the contractor was able to set

1 or create or more, you know, its own guidelines on
2 safety, you know, they claim they follow the OSHA
3 and NOSH guidelines as it is, I mean, why would they
4 have to have exemptions to, you know, broaden the
5 definition of what the safety boundaries are?

6 And it is quite evident to us that they are
7 not responsible, you know, they have proved here,
8 like I said, over the past, almost two years, that
9 they are not trustworthy. The work force has been
10 the folks that have identified the problem.

11 Recently, one more comment, recently to
12 prove that this is kind of an ongoing thing, we have
13 got, the tank farms is an older, older work area, we
14 have got transfer lines between the tanks. We know
15 what the mission is. The workers are urgent to help
16 get the mission completed out here, but, the
17 contractor has introduced new and strong pumps to
18 the tanks, capable of pumping 400 psi around the
19 tank farm project and into the classification
20 proposed facilities. The transfer lines are only
21 capable of handling like 275 psi, and that is the
22 rating on the old carbon steel transfer lines. The
23 remedy for that is a quire release valve on there.
24 When asked what would happen in a failure with one
25 of those relief valves, the contractor didn't have

1 an answer. So, you know, I mean, it seems like the
2 contractor, like I said, once again, is having, we
3 are having a difficult time trusting them and we
4 would like to have and continue to have an avenue or
5 create an avenue where the workers can further
6 express their concern. And it is quite concerning to
7 us to, no take, that DOE has proposed to allow the
8 contractors to create a, a definition of their own
9 safety guidelines.

10 That is all I have.

11 MS. ROGERS: Thank you, Mr. Roberts.

12 MR. McARTHUR: Thank you.

13 MS. ROGERS: Are there questions from any of
14 the Panel members for Mr. Roberts?

15 MR. McARTHUR: No.

16 MS. ROGERS: John, would you call the next
17 person to testify, please?

18 MR. CAVANO: The next person, John Swain.

19 PRESENTATION BY MR. SWAIN:

20 MR. SWAIN: My name is John Swain. I
21 represent myself.

22 First of all, I would like to thank Mr.
23 Shaw and the rest of the people at DOE Headquarters
24 for allowing this hearing at Hanford. And I have a
25 picture here that I am going to show Mr. Cavano, I

1 *had a vapor exposure back in 2003 and I would like*
2 *to just bring up to you what I have been through*
3 *with the contractor. There was PER written by a DOE*
4 *fac rep, a PER is a program evaluation request, and*
5 *it showed back there the night that I was exposed*
6 *after that C form changed seven times over the*
7 *course of five days after the first vapor exposure*
8 *event. Clearly indicating the lack of a systemic*
9 *approach to address the vapor concerns. The reason*
10 *I am bringing that up is because the very next*
11 *night, had they done a thorough investigation, two*
12 *more people went down in the farm, the very next*
13 *night. And it wasn't until a CHG steward put down a*
14 *stop work to have them slow down the process.*
15 *Nobody, nobody, but our hand tech safety reps,*
16 *nobody in the company was, they were going forbore*
17 *ahead.*

18 *Also, too, on the investigation, I have a*
19 *sheet here on my event report that they never even*
20 *asked my side of the story until 18 days after the*
21 *event. They never, it is copied here and in the*
22 *adequate work environment. I went to the hospital.*
23 *And when I reported back to AMH, the very next day*
24 *that it happened, I have here a letter from HEHF at*
25 *that time, who was the on-site medical facility,*

1 that they closed out my exposure case the very next
2 day. But, yet, the P.A. sent me home because my eye
3 was swelled to see my personal physician. The very
4 next time I went to AMH, the director of HEHF,
5 excuse me, I had an interview. I had, I had a
6 physical five weeks before my accident, and the day,
7 the 21st, which was four days later, my next day of
8 employment after them sending me home to see my
9 personal physician, I had a loss in my lung
10 capacity. But, yet, he wrote in his bill that I had
11 a normal exam.

12 Then finally, I got to go to Harborview
13 because I was having difficulty breathing, and the
14 company sent 1994 data, saying that was their most
15 current data, but yet basis report, they said they
16 had more current and they had found over 30 new
17 organic vapors were identified in the samples from
18 11 tanks in C form. Two thirds of them were from
19 C103, where I had taken an exposure.

20 At Harborview, I was documented at 57
21 percent lung capacity. I was put on inhalers, and
22 that. So, the company sent a letter, their
23 investigation was from their industrial hygienist,
24 Mr. Jim Jabara, who sent wrong information, said
25 they had taken breathing zone samples which are non

1 *documented, nine individuals in the farm when I was*
2 *there, I was in there with one other person and they*
3 *never asked for his side of the story either.*

4 *They said that there was 250 part per*
5 *million ammonia and 13 parts per million organic.*
6 *And that was right where I was at. And CCSI, your*
7 *third party administrators of, of benefits around*
8 *here, has been battling me ever since trying to say,*
9 *play the games of, you know, well, your doctor says.*

10 *My doctor made a report one time in the Year 2003,*
11 *saying that he was treating me for asthma. His own*
12 *handwriting is stating 2004, but, the CCSI only read*
13 *the stamp date on the top, top. Also, too, they*
14 *said I had another claim in June that they said they*
15 *were waiting to hear the doctor's report, but yet*
16 *that was from CCSI requesting forms from my doctor.*

17 *And my response when I straightened this for them,*
18 *for their number one investigator, it says, well,*
19 *either way, no harm, no foul. You know, that people*
20 *shouldn't have to put up with investigations like*
21 *that. You need to question the company's facts*
22 *also. The employee should not have to do*
23 *everything.*

24 *My OSHA 300 log is not respiratory. It is*
25 *for a digestive system poisoning. It is also*

1 written in the yearly summary and signed by the same
2 person who sat in all these meetings, even when the
3 managers threatened me with my job, if I didn't go
4 into the farms.

5 Here in their document, Workers Safety at
6 the Tank Farms that was put out in August 2004, they
7 say everybody that has had an exposure is back to
8 normal. I have been to the hospital, over at AMH
9 over 10 times with being sensitized to chemicals,
10 and with, I am on inhalers. So, if that is normal,
11 I don't know what is.

12 They also put in here, you know, talk about
13 the, that all the risks are below occupational
14 standards. They are still saying that C106 was
15 safely emptied and this came out of one of their own
16 newsletters less than a month ago. I have tried to
17 get them to pull my PER out of, out of another PER
18 that they rolled it into, to hide it, along with the
19 DOE fact rep PER, because the problem statements
20 says workers exposed to levels of tank waste below
21 ACGIH/OSHA occupational limits sometimes experience
22 physical symptoms and continue to be concerned about
23 their safety with regards to chemical hazards. I
24 was above exposure limits when they finally listened
25 to my story.

1 And in closing, you know, I basically was
2 talking about your exemptions and I would like to
3 say one other thing also, it is wrong to let the
4 companies and their officials put in for exemptions
5 to the safety rules as they don't go into the farms
6 like the workers do. They should not be a tradeoff
7 for those, for these companies to use their workers
8 like lab rats. We are human beings. The companies
9 if granted these exemptions can now say if something
10 happens, well, you have got the EEOCICPA to cover
11 you. I can count on one hand how many of the people
12 at C.H. 2 M-Hill have expressed any sympathy or
13 concern for what they have done to me. Maybe before
14 they apply for an exemption they should be required
15 to plumb the tank vapors into their offices, so they
16 will realize what we really went through.

17 I was off for six months on this P.I.,
18 plant injury. And I have got a picture of a person
19 here named Billy Guard, who was responsible for the
20 company to take me back. And it is wrong for how
21 they treat the people.

22 Thank you for listening.

23 MS. ROGERS: Does anyone have any questions
24 for Mr. Swain? Any of the panel members?

25 MR. MCARTHUR: None from Germantown.

1 MS. ROGERS: And Mr. Swain, the information
2 that you have, all the exhibits that you have, are
3 you submitting those to Mr. Cavano as part of the
4 official record?

5 MR. SWAIN: I can if you would like. Mr.
6 Shaw has a letter from me also.

7 MS. ROGERS: I need the exhibits that you
8 were talking about as part of your speech, submitted
9 as part of your speech.

10 MR. SWAIN: Not a problem, we can make a
11 copy and I will give it to Mr. Cavano.

12 MS. ROGERS: Or you can send it directly
13 into me at the address in the NOPA.

14 MR. SWAIN: Okay. Thank you.

15 (Pause.)

16 MR. CAVANO: Okay. The next one on the list
17 right now is Ginny Wallace.

18 PRESENTATION BY VIRGINIA WALLACE:

19 MS. WALLACE: Good morning or afternoon.
20 What I did was I put a little bit of documentation
21 together and I am going to represent this to you,
22 guys.

23 Hello, my name is Virginia Wallace, and I
24 am nuclear chemical operator at the Hanford Site
25 with 80369.

1 *First off, before I get started, I want to*
2 *take a minute to thank you for this hearing today.*
3 *I want to give a special thanks to Pace for*
4 *recognizing the workers and Josh to taking the step*
5 *to listening to us as well as the others that are*
6 *present today.*

7 *Instead of going through the history of*
8 *Hanford since I am only allotted 10 minutes, I wrote*
9 *a brief history, my experience at Hanford, which I*
10 *am going to submit. I am also going to submit a map*
11 *of Hanford, where most of the contamination is.*

12 *I want to add that I have a Bachelor's*
13 *Degree in Business and I am also an instructor and*
14 *taught various classes. ISMS as a rule under 48 CFR*
15 *to secure worker input and work planning, ISMS is no*
16 *substitute for a program of enforcement within*
17 *minimal AD standards. We support the DOE's effort*
18 *to issue enforceable industrial and construction*
19 *safety rules, given the past 50 years of erratic*
20 *safety compliance at Hanford, right up to the*
21 *current day, is pertinent that non compliance with*
22 *DOE Order 440.1(a) as included in the DOE proposed*
23 *regulation issued on January 26, 2005 be subject to*
24 *enforcement. To spite the best intentions, IMS,*
25 *ISMS is viewed by many of us as just another flavor*

1 *of the day safety program. Under Section 851.10,*
2 *Worker Rights, the rule should be cleared that*
3 *violations of this section will be subject to fine*
4 *and penalties. The rule should be clarified to*
5 *provide that the worker should be penalized if all*
6 *medical and exposure records are not released to the*
7 *workers within 15 days of a request. This access to*
8 *record is inculpable.*

9 *Also in Section 851.10, Conduct of*
10 *Investigation, we recommend that when workers are*
11 *selected for accompanying DOE personnel on an*
12 *investigation, it should be the worker at risk,*
13 *being worker being defined as the person defining*
14 *the line activity and subject to the safety health*
15 *risk under investigation. The rule is vague on the*
16 *definition of a worker, so it is possible that the*
17 *company's lawyer and management is selected as the*
18 *worker to accompany the DOE inspector. This*
19 *loophole needs to be closed.*

20 *Under the 851.201, a worker health and*
21 *safety standard, we recommend that where the NOSH*
22 *recommend exposure limits is more protected than*
23 *ACGIH or more protected than OSHA than the NOSH*
24 *recommended exposure level should be applied and*
25 *enforceable. OSHA and ACGIH have less protective*

1 standards than NOSH recommended levels in a number
2 of cases.

3 We urge that DOE make DOE Beryllium Rule at
4 10 CFR Part 850 enforceable under those new rules by
5 adding as a standard, which is enforceable in
6 Section 851.201. Likewise, the requirement for
7 enforcement of trainer requirements contained in
8 Section 3131 of the FY'92 Defense Authorization Act,
9 should be covered by HASWOPER. We would recommend
10 that all current decontaminations and air mists,
11 clothing contamination, etc., be communicated to the
12 workers by having a company stop work. It currently
13 stands workers, people who actually go into the
14 field to do the hands on work are not sitting at a
15 desk, are only notified when the worker has become
16 overexposed. Our own personal experience has been
17 that on the PNL documentation, it states that the
18 worker is not notified and there is no followup
19 studies or test conducted.

20 A prime example is when tank waste was on
21 my skin and there was no toxicology test run for the
22 chemicals and the whole body scan for radiation
23 exposure was done the following day after the
24 incident. To date, no person can tell me what was
25 in the mixed waste XX108 and what health effects I

1 *should encounter or test that should be done. And I*
2 *do have that. According to AMH, none of the tests*
3 *are specific for any toxicology exposures. And then*
4 *I also have the reports, individual scan*
5 *contamination report where I had 3,000 dpm on my*
6 *face and I also had on my clothing, in my hair, and*
7 *I had on me for over an hour.*

8 *The rules should require the worker decon*
9 *facilitation be put in place that are appropriate to*
10 *size of work force at risk. The AW incident back in*
11 *June 2003, 15 workers were standing in line to be*
12 *decon, over 30 minutes with contamination on them.*
13 *One farm could have over 20 people on one job and*
14 *yet there are limited resources to decon these*
15 *employees in a timely and safe manner. There should*
16 *be a manned decon facility with trade personnel*
17 *readily available to cover imprint that would affect*
18 *the entire work force in the area. 851.210 should*
19 *be amended to provide that workers should have the*
20 *right to select their own medical provider rather*
21 *than the use the site occupational medical provider*
22 *AMH. The site should cover all the costs if an*
23 *employee elects to use their own doctor instead of a*
24 *DOE company doctor regardless of whether the*
25 *employee works for the main contractor or a*

1 subcontractor.

2 The OSHA Act only has one exception, if
3 national security is adversely impacted, there is
4 justification for the 10 exemptions being proposed
5 in this rule. We urge that they be deleted and
6 accommodate congressional requirements for
7 flexibility in three areas designated in authorized
8 legislation Section 3173 of the FY'2003 Defense
9 Authorization Act through the DOE Enforcement
10 Policy. This rule is set up to allow exemptions to
11 be granted without the workers knowledge. There
12 shouldn't be backward deals allowing exemption
13 secrecy with all the decisions to be made that could
14 put workers safety and health at risk without their
15 knowledge and consent. There should be only a,
16 there should not be a 30 day clock limiting the
17 DOE's Office of ESH to review exceptions. This is
18 arbitrary and could undermine considered evaluation.
19 It surely won't give enough time for workers to be
20 notified and provide comment on the record.

21 If exemptions are provided in Section
22 851.300 of the Rule, the Rule should state that
23 exemptions, if granted, should be subject to an
24 annual review at the DOE's Office of ESH to
25 determine if they remain appropriate.

1 The Rule should require training records at
2 the DOE sites to train the workers on this rule once
3 it has been implemented so workers understand their
4 rights. We think that training on this rule should
5 be included in the HAZ Training Rule Program and
6 Curriculum. It is recommended that if a worker
7 exposure records is coming out zero, and yet other
8 workers doing the same jobs for years are coming out
9 with higher readings than a site exposure assessment
10 program needs to be reevaluated. Can the rule
11 address this concern? And I do have Occupational
12 DOS records to show that if you look at the history
13 of it, there is mostly zeros on it, even though the
14 persons have done the same job for years.

15 It is recommended that if a company knows
16 of a hazard that will make workers ill, example,
17 272AW, where there has been known contamination in
18 272AW since 1996, and the date discovered, Data
19 Gamma Contamination up to 3000 dpm, in the 272AW
20 building ventilation unit, they have stickers on the
21 vent system, then the company reassess the facility
22 under Order 440.1(a), the Engineers Controls of the
23 first line of defense for the worker, after
24 elimination of the hazard. The administrative
25 controls the second and personal protection

1 equipment, we agree that this provision needs to be
2 in the rule subject to enforcement.

3 OSHA allows 100 percent immunity to protect
4 the identity for those who file formal complaints
5 and we recommend the same approach in this rule.
6 There should be provisions to investigate and
7 sanctions that will violate the confidentiality of
8 the plaintiff from that immunity. Those who violate
9 this obligation to obtain confidentiality should be
10 subject to dismissal proceedings. RCW 51.04.130 is
11 a special agreement. This is a state law covering
12 worker compensation programs at Hanford. We have
13 learned that claims are denied because the company
14 can evade the disclosure of employee exposure
15 information by stating it aids the national
16 interest. The provisions of this state law should
17 not be allowed to freeze up disclosure requirements
18 in the regulation.

19 Under the proposed rule, the rule is final
20 on whether SAOMF, site application occupational
21 medical facility, AMH can change medical records
22 without the permission of the employee. The rule
23 should be explicit that employee medical records
24 cannot be changed without the written permission of
25 the employee.

1 We are opposed to exemption in Section
2 851.301 which allows safety tradeoff because this
3 will lead to destroy people's health. A prime
4 example is ours, my husband and myself, we have been
5 committed to our jobs and our work force that when
6 we became ill and started questioning our practice
7 at work, our integrity was questioned. Becoming
8 instructors we became more educated. Over the years
9 we have worked at processing plants and then we
10 ended up at the tank farms where we were told only
11 by, we were only being exposed to ammonia and in
12 January 2003 at the state and site public meeting,
13 but in November 2004 the company gave a list of 52
14 potential chemicals we were being exposed to that we
15 had not been monitoring for. And they also gave a
16 list of the CHAT class that they put on with
17 chemicals listing. And I also gave a list of Purex
18 chemicals.

19 At the tank farms, sampling was taken from
20 the tank, they are shipped to the lab, many times
21 with lead shielding to bring down the bills right.
22 Roads were shut down to transport the samples
23 because the readings were so hot. We were not in
24 respiratory protection every time we entered the
25 various tank farms and did the various jobs. We

1 *observed co-workers dressed in whites with*
2 *respirators crawling over the railing onto the cover*
3 *blocks where the pit was open on one side. Yet,*
4 *OSHA states that would be a gate to enter and exit*
5 *and then put tools on cover blocks with no tow*
6 *guards around the railing. Tow guards prevent the*
7 *tillers being accidentally kicked into the pit where*
8 *they are involved. We observed workers day in and*
9 *day out walking into facilities where there is no*
10 *railing, with no respirator protection.*

11 *Low level doses are just as deadly as acute*
12 *levels whether it be radiation or chemicals. We,*
13 *the workers, are being forced to choose between our*
14 *health and safety versus our family. I had an*
15 *exposure July 21 and reported it and now I am in*
16 *limbo. By this I mean, the company proclaims I am*
17 *still employed with them, yet, I receive no pay*
18 *check or have a position with the company. I have a*
19 *worker restriction but the company will not*
20 *accommodate me yet. The company has made provisions*
21 *for other co-workers. What has happened to me,*
22 *makes other workers not report the incidents, they*
23 *are injured or become ill on the job. Workers have*
24 *the right to be protected and go home safely to*
25 *their families and friends.*

1 We do not believe the exemptions that DOE
2 as asking for are in the best interest of the worker
3 safety and health. We believe the workers have the
4 right to be protected as similar to OSHA. If DOE
5 cannot get this rule fixed, safety regulations
6 should be turned over to OSHA.

7 Thank you.

8 MS. ROGERS: Thank you, Ms. Wallace.

9 Do Panel members have any questions for Ms.
10 Wallace?

11 MR. MCARTHUR: No questions from Germantown.

12 Thank you.

13 MS. ROGERS: John, would you call the next
14 presenter?

15 MR. CAVANO: The next person on the list is
16 Connie Reed, if she is here. Connie Reedy. Okay.
17 Then we will move to Bob Olsen.

18 PRESENTATION BY BOB OLSEN:

19 MR. OLSEN: Good afternoon. My name is Bob
20 Olsen. I am a nuclear chemical operator. I work
21 for Hanford. The first 15 years of my career out
22 there I worked at the Purex facility, that was from
23 1980 to 1996. Currently I have been at the RAP
24 facility, RAP 1 facility in 200 West area since
25 1996. And that is the facility that I would like to

1 *address to the Panel, if I could.*

2 *The RAP facility is a fairly new facility,*
3 *as most of you know, it is the last stopping point*
4 *for all the bad nasty stuff that we have buried out*
5 *there before it goes to New Mexico. The issues that*
6 *we have been running across at the RAP facility deal*
7 *with the drums that we have been digging up out of*
8 *the ground that have been there for 20 years. The*
9 *contractor uses a system called "Acceptable*
10 *Knowledge" to determine contents of the drums. Over*
11 *the course of the years that I have been at RAP and*
12 *done the work that I have done there and, and if you*
13 *don't know, the work that we do there is very*
14 *intrusive to the transgenic waste that are contained*
15 *in the drums. We have, we have found that the*
16 *"Acceptable Knowledge" is lacking. Now whether that*
17 *be from lack of record keeping or improper record*
18 *keeping in the past when these drums were initially*
19 *packaged, it tends to pose a little bit of a problem*
20 *for the individuals who are doing a couple of*
21 *processes for venting and installing filters into*
22 *these drums. When the drums are taken out of the*
23 *ground, there is an enormous amount of corrosion*
24 *products, and degradation of the outside of the*
25 *drum, which tends to create dust and fumes when the*

1 *individuals are going through the process of doing*
2 *head space gas sampling and the darting operations*
3 *that we do prior to sending them to Carlsbad.*

4 *We have had a couple of exposures to*
5 *unknowns based on the operation, based on the*
6 *guarding operation because the corrosion products*
7 *are not identified on the outside of the drums.*
8 *There hasn't been any serious incidents per se, but*
9 *any exposure is a serious exposure as far as I am*
10 *concerned.*

11 *We, as PACE members and like Ms. Wallace, I*
12 *am also a health and safety trainer through the*
13 *NIEHS Grant, through the PACE International Union*
14 *and train the HASWOPER classes and have been doing*
15 *that for several years. As PACE members and as an*
16 *occupational safety and health trainer, myself,*
17 *these, these exemptions not only bother me, but they*
18 *insult me, because essentially what is going to*
19 *happen in, with RAP in particular, because we deal*
20 *with a lot of unknowns, there is going to be, the*
21 *contractor is given the ability to take exemptions,*
22 *get it done quicker, because there is a lot of*
23 *pressure on the contractors and I think everybody*
24 *here realizes that, given the fact that there is the*
25 *pressure on the contractors it still doesn't give*

1 *them, you should not allow them through ability to*
2 *exempt from health and safety rules, should not*
3 *allow them to put the workers at higher risk than we*
4 *already are.*

5 *The issue with health and safety and what I*
6 *preach is that worker involvement is the key. With*
7 *these exemptions it, to me, it appears like there is*
8 *not going to be any worker involvement. The workers*
9 *are the ones that are in the field. The workers are*
10 *the ones that are taking the hits on the exposures,*
11 *that are actually putting our hands on the material.*

12 *And for us to be put into a position where the*
13 *company says, well, we are going to do it this way,*
14 *we are not going to use respirators, we are not*
15 *going to put in engineering controls, engineering*
16 *barriers, because we can get it done quicker. And,*
17 *oh, by the way, if this exemption is a deterrent to*
18 *you, we can compensate you for that. I don't know*
19 *what else to say other than that is terribly wrong.*

20
21 *And the work force out there, I, myself,*
22 *have been out there for 25 years, we have always*
23 *had, we have always had the feeling from the PACE*
24 *unit, anyway, that we want to get the work done,*
25 *that is what we are out there for. Don't put us in*

1 a position to where your existing work force that
2 has a very, very wide range of knowledge and
3 experience, is put into a position to where you are
4 not able to use them. Because if you make them
5 sick, if they are put in positions that create them
6 to fear for their jobs from the contractors, because
7 if you have a safety issue or question, there is
8 always that little underlying issue of, well, we can
9 always replace you.

10 It is, the exemptions just don't make any
11 sense. And, and the workers should be able to work
12 with the contractors, which PACE has had a long
13 record of working with the contractors to get the
14 job done safely and so everybody can go home to
15 their families the way they went to work.

16 That is all that I have, thank you very
17 much for your time.

18 MS. ROGERS: Thank you. Does anybody have
19 any questions for Mr. Olsen?

20 MR. McARTHUR: No questions from Germantown.

21 MR. CAVANO: Connie Reedy, has she come in
22 yet? Okay.

23 The next one we have listed is Ron Oak.

24 PRESENTATION BY RON OAK:

25 MR. OAK: Yeah, I am Ron Oak, HAMTC Safety

1 *Representative. And HAMTC does fully support ISMS*
2 *and VVP and my hope basically is the new 851 reg*
3 *will be strong enough to make every contractor*
4 *comply with those elements involved around ISMS and*
5 *VPP with total, fully total worker involvement in*
6 *the forefront, prior to starting some of these*
7 *difficult tasks that are before us today.*

8 *And also, I would like to make sure that*
9 *the 851 rule is strong enough to get some*
10 *consistency between contractors. As our folks move*
11 *around and across the site, we have different*
12 *policies and procedures between contractors that is*
13 *very confusing and is fearful that we are going to*
14 *set our workers up for failure in some of these*
15 *areas and get somebody exposed worse than need be.*

16 *So, that is my comments on and hope we can*
17 *get strong enough language in 851 to accomplish*
18 *that. That is all I have.*

19 *MS. ROGERS: Thank you.*

20 *MR. CAVANO: I will represent that Ron is*
21 *representing HAMTC, I believe.*

22 *MR. OAK: Yes.*

23 *MS. ROGERS: And could tell us what HAMTC*
24 *stands for?*

25 *MR. OAK: Hanford Atomic Metals Trade*

1 Council.

2 MS. ROGERS: Okay.

3 MR. CAVANO: Okay. The next person here is
4 Jill Molnaa.

5 PRESENTATION BY JILL MOLNAA:

6 MS. MOLNAA: I am representing CH2 and
7 HAMTC. I am the safety rep CH2 M-Hill. You will
8 have to excuse me, I didn't find out until 10
9 o'clock that I was coming to this, so.

10 Anyway, I would like to say that, you know,
11 to carry off from Dave Roberts and Ginny and our
12 speakers, that with a continuing exposures of our
13 employees, it drove us to question the wit data base
14 and that is the data base through history, from the
15 different contractors of what they used to identify
16 what chemicals were in our tanks, was incorrect.
17 That the inventory wasn't complete. So, with CH2 M-
18 Hill did was put together this toxicology panel of
19 experts PNNL to do a full, full reevaluation of what
20 chemicals were actually in those tanks. And this is
21 an ongoing process. We are still, it is still not
22 complete. Every tank is different. There has been
23 transfers. It is not, it is not an easy thing.

24 But, through that process, that is one of
25 the reasons that drove us to being on fresh air when

1 we got a complete list of these chemicals. To date,
2 we have 54, I think it changes, it is 59, 58, 54
3 chemicals of potential concern, which they haven't
4 had OEL, OSHA, NOSH, there is no limit set on this
5 particular chemicals, so our IH Department is
6 working to set OELs. So until we get a grip on all
7 these chemicals, our workers are going to have to
8 continue to work on fresh air, which is, you know,
9 very, very difficult for them on a daily basis.

10 I would like to just say that we need to
11 really exercise great caution when we add exemptions
12 to our health and safety programs, because every
13 situation is unique. And you can't blanket
14 exemptions and sometimes DOE, in our work, in our
15 work area, and the Hanford work area, we have a
16 tendency to do that, to blanket that. And we just
17 need to really stop and take a look at really what
18 you are blanketing and is that the correct thing to
19 do.

20 Worker involvement in our safety and health
21 programs is the key. I mean, they are the ones that
22 are out there on a daily basis. It is just basic
23 stuff, you know, pre job walk downs, post jobs, a
24 process and job hazard analysis. These are all
25 things that we need to really, really, really work

1 on. And consistency, like Ron said, with the way
2 HAMTC is organized, we have many of our workers, we
3 work off a site seniority list, so even though you
4 may work for CH2 M-Hill, if there is a bump and
5 grind or layoff, that person tomorrow could work for
6 FLOR. So without consistency of our safety and
7 health programs, I am speaking like lock and tag,
8 crane and rigging, God, Ron, help me out here.
9 Respiratory, you know, all those, we really, right
10 now we are kind of fragmented, even in our stop work
11 that all of our contractors have out there, there
12 are differences. So, that is about all I have to
13 say.

14 MS. ROGERS: Okay. Thank you. Are there any
15 questions from the Panel?

16 MR. McARTHUR: Okay. Do you have a question?

17 UNIDENTIFIED SPEAKER: What is your name?

18 MS. MOLNAA: Molnaa.

19 UNIDENTIFIED SPEAKER: -- is made aware
20 that there is --

21 MS. ROGERS: Excuse me.

22 UNIDENTIFIED SPEAKER: -- over --

23 MS. ROGERS: Excuse me.

24 UNIDENTIFIED SPEAKER: And only 52 --

25 MS. ROGERS: Excuse me.

1 UNIDENTIFIED SPEAKER: Is that a correct
2 statement?

3 MS. ROGERS: Excuse me.

4 MR. McARTHUR: Excuse me, who is speaking?

5 MS. ROGERS: Only panel members are allowed
6 to ask questions.

7 UNIDENTIFIED SPEAKER: -- injured workers.

8 MS. ROGERS: Only DOE Panel members are
9 allowed to ask the speakers questions.

10 UNIDENTIFIED SPEAKER: I am sorry, I didn't
11 realize the rule.

12 MS. ROGERS: That is okay.

13 UNIDENTIFIED SPEAKER: I can talk
14 afterwards.

15 MS. ROGERS: That is fine.

16 MR. CAVANO: The next person listed here is
17 Steve Wallace, if he is here.

18 MS. ROGERS: He asked for 11:30, so we were
19 trying to put it at 11:30, so we might have to wait
20 for him.

21 MR. CAVANO: We do have a number of
22 unscheduled speakers who have signed up.

23 MS. ROGERS: Okay.

24 MR. CAVANO: So, we will start there.

25 MS. ROGERS: Yes.

1 MR. CAVANO: First person that signed here
2 is Erin Cawell.

3 UNIDENTIFIED SPEAKER: -- allow anyone else
4 to go first.

5 MR. CAVANO: All right. Next person is Tom
6 Peterson.

7 MS. ROGERS: Excuse me, John.

8 MR. CAVANO: Yes.

9 MS. ROGERS: For the court reporter, we are
10 going to have to ask that the unscheduled speakers,
11 when they come up, could they please spell their
12 names, because she doesn't have a copy here.

13 MR. CAVANO: Okay.

14 MS. ROGERS: Okay.

15 MR. CAVANO: I call then Tom Pertson.

16 UNIDENTIFIED SPEAKER: He stepped out.

17 MR. McARTHUR: He stepped out, okay, next
18 person Mabel --

19 UNIDENTIFIED SPEAKER: She stepped out.

20 MR. CAVANO: She stepped out also. The next
21 person is Gai Oglesbee.

22 PRESENTATION BY GAI OGLESBEE:

23 MS. OGLESBEE: My name is Gai Olgesbee.
24 Hanford Worker. Also I am a manager of the National
25 Nuclear Victims for Justice.

1 And my name is spelled G-A-I, my last name
2 is O-G-L-E-S-B-E-E.

3 Secretary Shaw, thank you for hearing the
4 representing employees concerns. I am representing
5 all injured workers past and present. Before I was
6 retired, I was a site and facility coordinator. I
7 am an occupationally injured victim. The only
8 protected clothing I ever received was a fiber nose
9 protector. I performed my scope of work as a non
10 protected employee.

11 Our workers and interested public have
12 until April 29 or 30, 2005 to submit oral or written
13 public comment to meet the intent of the 30 day
14 rule. I have already distributed two editions to
15 your supervisor, - and Inter Secretary Bowman, you
16 and those listed which includes the United States
17 President, George W. Bush and key members of
18 Congress. Any interested party can review the rules
19 regarding the procedure for filing a public comment
20 either written or oral. The U.S. DOE agency must
21 offer the commentator a chance to submit their
22 input. A public hearing was offered on March 29,
23 and 30, 2005, however, the topic for debate was
24 disguised. Thereafter, the attendance was very low,
25 and the workers had not, or did not have a chance to

1 *speak. I understand that you wanted to hear from*
2 *the workers. Then why doesn't -- Secretary Bowman*
3 *reschedule this hearing to include all non essential*
4 *Hanford personnel who want to attend a hearing such*
5 *as this or invite a specified number of workers*
6 *delegate, perhaps 50, in Washington, D.C. to meet*
7 *with Secretary Bowman or you in a private meeting to*
8 *be held in a specified location. Perhaps interested*
9 *money donors, the U.S.D. and the contractor could*
10 *pay for the travel expenses.*

11 *There are ways and means to establish good*
12 *communications. Secretary Bowman or you should*
13 *consider assuming a champion role on behalf of the*
14 *workers. I will compose a letter regarding a start*
15 *application by another Energy Secretary that worked*
16 *very well, were enforced and disciplinary action was*
17 *implemented for example setting value and lessons*
18 *learned for future reference.*

19 *In 2003, Congress directed DOE convert*
20 *within one year its main Occupational Safety Order*
21 *DOE Order 440.1(a) into legally binding regulations*
22 *that are enforceable through fines and penalties.*
23 *On February 27, 2004, DOE suspended the rulemaking*
24 *in response to concerns expressed by Congress, the*
25 *public DOE contractors and the Defense Nuclear*

1 *Safety Board, 69 FR 9277. I could not attend the*
2 *subject workshop on March 29, 2005, but I did attend*
3 *the March 30, 2005 public hearing. In my opinion,*
4 *the reason for the U.S. DOE hearing was not specific*
5 *enough. Thereafter, attendance was low. I did*
6 *address the contractors unsafe policies and*
7 *practices and other relevant findings of fact. The*
8 *proposed 10 CFR 851 provision only cover basic OSHA*
9 *standards. The proposed regulation contains 10*
10 *exemptions that are effectively addressed by the*
11 *Government accountability project representative*
12 *Richard Miller. The U.S. DOE officials and the*
13 *members of Congress are made aware of the mounting*
14 *concerns. It is certainly not difficult to*
15 *ascertain that these exemptions will undermine the*
16 *minimum safety standards.*

17 *For decades I have been forced to observe*
18 *too many of my family members, friends, co-workers*
19 *and neighbors die from their related atomic or*
20 *potential radiation exposure. My own daughter*
21 *battles as a health effects after being diagnosed*
22 *with cancer. I have, I battle with cancer. She was*
23 *once employed at Hanford and Rocky Flats by 1993,*
24 *U.S. DOE was suppose to provide life time monitoring*
25 *after my daughter notified one of her co-workers has*

1 *died of the grilling disease. But, the monitoring*
2 *provision is ignored to this day. A debilitating*
3 *diseases and subsequent death causes whole families*
4 *to suffer. Then at least the 10 proposed exemptions*
5 *are unacceptable under 10 Code Federal Regulation,*
6 *Part 851.*

7 *The proposed 10 exemptions are too broad in*
8 *scope, and will buy even more anarchy at the U.S.*
9 *DOE contractor agents are allowed to interpret any*
10 *of the workers health and safety rules as they see*
11 *fit. Negligent nuclear facility caretakers are*
12 *obsessed with getting this project done in order to*
13 *receive their bonuses. If the facility caretakers*
14 *can't get the job done without continual violations*
15 *of the workers safety standards, then the violators*
16 *should be identified, held accountable by imposing*
17 *heavy fines and then depending on the various*
18 *violations, should be punished both up to and*
19 *including termination of employment or imprisonment.*

20 *The content of the citation should be posted in*
21 *plain sight for review. The occurrence reporting*
22 *especially regarding abnormal event should be*
23 *investigated, recorded and released for public*
24 *scrutiny.*

25 *The U.S. D.O.E. agency finally admit they*

1 cannot impose a fine for unsafe policy and practice
2 involving chemical exposure violations. The
3 question is why? In March 2005, the U.S. DOE
4 imposed a minimal fine of \$316,250.00 against the
5 CH2 M-Hill contractor for continual violations of
6 the workers safety standard. There is no contractor
7 incentive in place that would deter legal
8 ramifications because the U.S. DOE is bound by
9 contractor being able to --

10 For instance, I would like to talk about my
11 own experience that is relevant to how the last work
12 day is covered up. There is no win situation
13 usually caused the first line managers to get the
14 job done, so they can receive their bonus. There
15 are steps to take without getting caught violating
16 workers safety and health standards. For instance,
17 when a sick worker is prematurely sent back to work
18 after an exposure incident, the contractor agents do
19 not have to report last work day. Bonuses are paid
20 after the employee reports so many days have elapsed
21 without injury or accident. For instance, after
22 medical incident such as this that covers severe
23 body burns, that caused severe body burns, I was
24 usually instructed to rest in the 200 East area,
25 Medical Aid Station for hours until I could return

1 to work or be sent home after the shift. The
2 officials knew this routine detention was dangerous
3 to my health, especially when I was experienced the
4 related heart problems, that required me to be
5 hospitalized within an hour so that physicians could
6 administer intravenous therapy. Many of these
7 incidents would have required issuance of the
8 mandated occurrence report, a public record.
9 Contractor officials virtually incarcerated me at
10 the Medical Aid Station. The reckless caretakers
11 had no access to reliable monitoring equipment which
12 was essential to my well being. I could not drive,
13 I could not breath very well, oxygen was not
14 provided in order to make me more comfortable. My
15 heart rate was radical. I was nausea, I could not
16 concentrate. I was very weak, ETL. After
17 particularly, a particularly harsh, wait a minute, I
18 lost my place here, a harsh 1993 medical crisis, and
19 after my physician that I had registered the
20 particular incident, finally caused the U.S. DOE
21 officials to transfer me to a building work location
22 where I was about two minutes from emergency care
23 and my personal physician. When in crisis I was
24 allowed to leave the work place without approval
25 from a management. In my presence, a concerned

1 *Hanford Environmental Health Foundation had informed*
2 *the contractor agent by their Westinghouse Hanford*
3 *Chief General Director Counsel, Charles McCloud,*
4 *Vice President Ron Bliss and the Human Resource*
5 *Director James Laurance that I must be relocated*
6 *away from the other areas of the Hanford for a*
7 *specific medical reason. I still work for the 200*
8 *East Area from my federal building work location a*
9 *very stressful obligation that particularly enraged*
10 *the B Plant manager, Bob Highman, Jr. Several*
11 *managers before him had been demoted or transferred*
12 *for demonstrating the same kinds of enraged*
13 *behavior. My job function was performed by*
14 *telephone, and during meetings I scheduled in the*
15 *Federal Building, when my management allowed the*
16 *interaction. Thereafter, the CF position took a*
17 *forced retirement. He went to work for one of my*
18 *personal physicians. He was retaliated against,*
19 *too.*

20 *Contractors should not be provided any more*
21 *excuse to pick and choose what rules they may apply*
22 *to avoid being caught in violating the workers*
23 *safety standards, besides there are existing*
24 *protection laws that outweigh U.S. DOE codes. The*
25 *10 broad based exemptions in DOE's proposed rule*

1 *regarding, again, refer to comments submitted on*
2 *record by -- for Government accountability, Richard*
3 *Miller.*

4 *Thank you. I will give you three copies of*
5 *my presentation.*

6 *MR. CAVANO: Okay.*

7 *MS. ROGERS: Off the record.*

8 *(Off the record.)*

9 *MS. ROGERS: Okay. John, next speaker?*

10 *MR. CAVANO: Okay. Is Connie Reedy here yet?*

11 *UNIDENTIFIED SPEAKER: No.*

12 *MR. CAVANO: Is Steve Wallace here? Steve,*
13 *are you ready?*

14 *MR. WALLACE: Yes, sure.*

15 *Is this the hot seat?*

16 *MR. CAVANO: You bet you.*

17 *MR. WALLACE: Are those the three people I*
18 *am speaking to right there?*

19 *MR. CAVANO: The Panel.*

20 *MS. ROGERS: We are in two locations. There*
21 *are three here and then there is about five or six*
22 *out in another location. If they speak, you can see*
23 *them.*

24 *MR. WALLACE: Okay.*

25 *PRESENTATION BY STEVE WALLACE:*

1 MR. WALLACE: I guess the first thing I
2 would like to do is just thank everybody involved in
3 this for giving me the time.

4 MR. McARTHUR: Would you please state your
5 name and spell it for the court reporter, please?

6 MR. WALLACE: Sure. Steven L. Wallace.
7 S-T-E-V-E-N, middle name is Lee, L-E-E, last name is
8 W-A-L-L-A-C-E, Steven Lee Wallace.

9 Anything else you need?

10 MS. ROGERS: No, thank you.

11 MR. CAVANO: Who do you represent?

12 MR. WALLACE: I am here on my own. I think
13 that what they are getting ready to propose here or
14 what they have proposed is wrong. Unfortunately, I
15 have only had a couple of hours to prepare my
16 statements. And I am addressing something that has
17 been months in the making.

18 My background, I have been working at
19 Hanford since September '87 as an instrument tech.
20 I am a certified OSHA 501 general industry
21 instructor. I am a respiratory instructor. I am
22 also about four or five classes away from my
23 Bachelor's Degree in Industrial Health and Safety
24 with the National Labor College.

25 I only get 10 minutes to talk, so, I am

1 only going to talk about the things I can absolutely
2 prove without a doubt, documentation. I am not going
3 to make any, any guesses or any estimates.

4 The problem I see with this, it is just
5 confusing. How many other superfund sites are there
6 that are allowed to make their own rules? It is
7 like self regulation. It just doesn't make sense.

8 Now OSHA seems to have a fairly decent set
9 of rules but the portion, say the punily portion of
10 it, seems to be the big stumbling point. My
11 suggestion would be go the GAO. And they seem to be
12 very non partisan but they have enough, enough hep
13 to really put some teeth into this, these OSHA
14 rules.

15 What we have seen for generations is
16 production oversee. You look at the quantity and
17 money available for each and every job out there,
18 for example, one of the contractors garnered \$53
19 million in bonus money above and beyond their
20 contract. You know, there is billions of dollars
21 available out there. And after you get production
22 done. This goes all the way back to my father. My
23 father told me stories of when he was making buttons
24 at PFP, he was told get yourself out that backdoor,
25 scuff your shoes around in the gravel, make sure

1 there is no contamination on them when you come back
2 in. We have got buttons to make, let's go. In that
3 philosophy, although it applies to different aspects
4 of the job now, it still is intact. Get yourself in
5 there and get that job done, we have got production,
6 production, production.

7 And let's keep in mind, I am only telling
8 you what I can prove.

9 There is a room in the labs, at 222 U.S.
10 Labs in the counting room that the death rate is 50
11 percent and I can prove that. So what we are really
12 talking about there is self, self regulation. It
13 hasn't worked for years, why should it work now? I
14 mean, let's face it, that is what this is all about,
15 self regulation.

16 In the generations which are several
17 generations that have gone through this, it has
18 caused the contractors, the various contractors, to
19 become very, very evasive when it comes to health
20 issues. And one in particular, at this point
21 anyway, would be the Advanced Medicine at Hanford,
22 AMH, is what it is known as. Their contract and
23 policies with the major contractors, they indicate
24 that they are to put workers back to work no matter
25 what. I have seen this in writing. And I am just

1 saying what I can prove.

2 And a perfect example is my wife's July 21
3 exposure. She had all the difficult signs of a tank
4 farm exposure in, pardon me, July 21, 2004, she had,
5 her neck was swollen visibly, the metallic taste,
6 nauseated, light headed, tremendous headache, vision
7 problems. She went to AMH to check out, to tell
8 them that she was going to see her private physician
9 and did not want them to examine here. The doctor,
10 which would be Dr. Davidson, he insisted that she
11 get her blood pressure and they put a little oxygen
12 clip on her finger. At that point, he did not want
13 any more examination, and she insisted that she be
14 allowed to go to talk to her private physician. At
15 some point during her exit out of the building, Dr.
16 Davidson came forward and instructed her that she
17 had been released to go back to work with no
18 restrictions. That is criminal, without an exam.
19 Blood pressure doesn't tell you what kind of
20 chemicals you have uptaken.

21 You know, these examples can go on for
22 days, literally. You know, there is horror stories.
23 Why we would, we would apply to standards and then
24 turn around and give ourselves exemptions that
25 virtually nullifies all these OSHA standards, is

1 ludicrous to me. How can you say you were going to
2 input rules and then give yourself exemptions so the
3 rules mean nothing? There just is no sense in it.
4 And the people who will be suffering will be the
5 people like me that are doing the work, not the
6 people garnering the exceptional bonus money to live
7 in Denver or D.C. or wherever they live.

8 The part that addresses national security,
9 I don't even know any other way to put it, it just
10 doesn't cut the mustard. We don't make buttons
11 anymore. We make garbage, chemical garbage, that is
12 all we are making. That is all we have got out
13 there. We are not making buttons anymore, what is
14 the big deal about the national security. All that
15 is is a blanket so they can make their own rules
16 when it comes to safety. Safety should be first and
17 foremost and should not be hidden under a blanket of
18 national security. That is, that is murder,
19 literally.

20 If you really want to know what happens
21 behind closed doors, call me, I will tell you about,
22 I will tell you how to prove there have been
23 multiple unreported fatalities. I will tell you and
24 help you understand how personnel have been
25 chemically and radiologically dosed and it has been

1 *minimized. And then they report that and make it*
2 *look like nothing. I will tell you how employers*
3 *are shown to be or employees, like myself, are shown*
4 *to be involved in the safety process, when, in fact,*
5 *we are just tokens and we have no input. None,*
6 *zero. Federal regulation says we are suppose to be*
7 *involved. And this is just the very tip of the*
8 *iceberg. I mean, these examples could go on for*
9 *ever and ever and everyone in here could give you a*
10 *whole box full of examples like that. Those are,*
11 *those are just the tip of the iceberg. I can say if*
12 *you want to know more, call me. I will be more than*
13 *willing to talk to anybody gathering in that video,*
14 *that wants to know more.*

15 *It would take, you know, if somebody wanted*
16 *to do it, it would take a full 10 minutes to list*
17 *the dead and dying. You know, the list is*
18 *extensive. If somebody wanted to do it, it would*
19 *take a full 10 minutes to list the chemicals in the*
20 *tanks, the ones they know about. They don't know*
21 *them all. My neighbor does analysis. He is a Ph.D.*
22 *that does analysis on those tanks. And he ensured*
23 *me they do not know what is in every tank. There is*
24 *a lot more in there that meets the eye. And again,*
25 *I would like to stress 10 minutes doesn't do justice*

1 to spell out the atrocities.

2 We lived these atrocities, you see people
3 in here who got, her sister died, Joe's daughter is
4 severely handicapped, Gai, tremendous cancer. My
5 wife, she has got cancer. It is easy to sit on the
6 other end of the camera and tell people it doesn't
7 matter. You come there and you live it, you will
8 find out it is damn important. Call me if you want
9 to know anything else about this, I have absolutely
10 no problem naming names, places, dates. I have got
11 it all. No problem.

12 Pardon? They can get ahold me through the
13 Union.

14 MS. ROGERS: Thank you, Mr. Wallace.

15 (Pause.)

16 MR. CAVANO: Okay. The next person here is
17 Mayble Vallejo. Mayble, will you spell your name.

18 PRESENTATION BY MAYBLE SANTOS VALLEJO:

19 MS. VALLEJO: My name is Mayble Santos
20 Vallejo. My name is spelled M-A-Y-B-L-E. Santos,
21 S-A-N-T-O-S, Vallejo, V-A-L-L-E-J-O.

22 I would like to my deep gratitude for
23 everyone here for making this hearing feasible. I
24 did not have time to prepare as I have only become
25 aware of this within the last day. As I only have

1 10 minutes to speak, I will not elaborate as much as
2 I wanted to. I will tell you briefly what I can
3 remember right now of my own personal experience.

4 I have 10 documented exposures for working
5 at 222-S Lab, where samples are brought into our lab
6 for analysis. And because of the high dose of the
7 samples, the samples set off the monitors at the
8 Lab. I was working at hazardous waste group
9 dealing, working, packaging all kinds of waste as a
10 Chem Tech. That is my position, Chem Tech.

11 My last two chemical exposures was in
12 February 2001, and March 2001. I think it was a
13 period of six full weeks in-between or maybe less.
14 Since then I have not worked. I was put on short
15 term, then long term disability and I am now on
16 Social Security Disability. My work compensation
17 has been denied repeatedly by FLOR or DOE, and they
18 have spent thousands of dollars, tax money to the
19 company lawyers to disapprove my claim.

20 My symptoms were, I was very nauseated,
21 light headiness, migraines, difficulty of breathing,
22 asthma, nose bleeding, rushes, sensitivity to
23 everything, fatigue, sensitivity to light and noise.

24 My diagnosis were I can only say a few right now,
25 as I remember, is neuro toxicity,

1 *toxicintroplophy(ph), asthma, etc. When I have*
2 *migraines, I have seizures in my legs and my legs*
3 *continuously shake and it is very, very painful. At*
4 *night time my husband says I dance in the bed,*
5 *because I will be sleeping but I will be moving and*
6 *shaking and having seizures, but I don't know about.*
7 *The following day, I feel so tired because of those*
8 *things that are happening to me at night time. I am*
9 *taking Meria Pax, which is for, which is a*
10 *medication for Parkinson's Disease. And other kinds*
11 *of medicine. My bag is full of medication.*

12 *Prior to 2001 exposure I was exposed in a*
13 *particular room in 222-S Lab, Room 4-E. And the*
14 *problem at the time is they closed down that room,*
15 *but the problem is by the time the monitors went in,*
16 *everything already dissipated. They did not have the*
17 *right instrument to measure because there are*
18 *thousand and thousands of chemicals in that room,*
19 *samples, everything and still they went ahead and*
20 *opened that room. There was also a DOE employee who*
21 *was present at that time, who got sick from doing a*
22 *tour of the lab.*

23 *In 2001, and in March 19 and February 19, I*
24 *don't know exactly the date right now, I was doing*
25 *inventory of chemicals because I was the one in*

1 *charge for chemicals that were being retard or*
2 *accessed to give away to departmental or to PM, can*
3 *use of instead of disposing it because it was*
4 *cheaper to give it away rather than dispose it in,*
5 *in drums. And one of the rooms that I was working*
6 *in over at the Standards Lab, where everything was*
7 *segregated according to oxidizers and things like*
8 *that, there was no ventilation in that room. And it*
9 *was a very cold day, but the heater was on, and of*
10 *course, the heat did not, since there is no*
11 *ventilation, it affected, probably the chemical*
12 *which was, I can't remember the name, I am sorry.*
13 *But, anyway, I had chemical panel tests over in*
14 *Dallas, Texas. It took me awhile to go find the*
15 *right doctor because there is no doctor available in*
16 *town to cure me or help me diagnose my illness. I*
17 *have to go all the way to Dallas and find it on my*
18 *own through the Internet to find somebody that can*
19 *help me out, because I was so desperate. We spend*
20 *thousands and thousands of dollars from our own*
21 *pocket, probably about 60,000 because you have to*
22 *pay them up front. The insurance would not pay it.*
23 *And that is when they did the chemical panel test,*
24 *and they found out my systemic level was way over*
25 *and that is the reason why I had all this memory*

1 *problem. I will be cooking something or I will be*
2 *boiling water, and I forget. By the time I*
3 *remember, it is already dried out or I can smell it*
4 *already. I just don't remember things as well as I*
5 *used to. My quality of life has totally diminished.*

6 *I was only 48 and I am turning 52. I cannot even*
7 *attend my son's, who was a freshman at that time, to*
8 *go to his ball games, because I was sensitive with*
9 *all those perfumes, laundry, everything. I was, it*
10 *was better for me to just stay home. It was safer*
11 *for me to stay home so I don't get exposed and*
12 *nothing can trigger my headaches, my seizures.*

13 *Until now I haven't said anything or they*
14 *have postponed my work compensation. And I just*
15 *found out last night, that a very good friend of*
16 *mine, Kathy Keren(ph) passed away. And I had worked*
17 *with her at the lab. I had two miscarriages while I*
18 *was at work, while working at the lab. And so did*
19 *Kathy Keren. A lot of women had miscarriages while*
20 *working at the lab.*

21 *I just, I would like to see AHS have the*
22 *proper instrumentation for people that are exposed*
23 *chemically, whatever, so that when they go to AHS,*
24 *they can document or they can take samples from the*
25 *blood right away, to what they were exposed to. And*

1 that was not available at the time. They didn't
2 have any chemical panel test then. I have to go out
3 of town just to have somebody do that for me. My
4 doctor here was not aware, he didn't know what was
5 going on.

6 There was very, very disappointing to find,
7 to not find a doctor in town to be able to help the
8 workers, thousand of workers over here at Hanford.

9 I have been a loyal, hard working employee
10 for the past 18, 20 years and I have not been
11 compensated for anything. All I care about is my
12 medical bills. I want to live, I want to be able to
13 make a difference for all the people that I have
14 worked with at the lab.

15 Thank you.

16 MS. ROGERS: Thank you.

17 MR. CAVANO: Okay. The next person here
18 would be Cal, I think it is Holbrook.

19 MR. HOLBROOK: Yes.

20 PRESENTATION BY CALVIN HOLBROOK:

21 MR. HOLBROOK: My name is Calvin Holbrook.
22 And it is spelled C-A-L-V-I-N, H-O-L-B-R-O-O-K.

23 I am 53 years old and I want to thank this
24 board for allowing us to make statements because for
25 the longest time, just like this lady was just here,

1 there are a lot of people that are frustrated. They
2 don't know where to go, what to do, because nobody
3 is listening, you know. And I have worked out here
4 for almost 30 years. I am 53 years old right now,
5 and I one of CHG's disabled employees. I am getting
6 some benefits from them, I am on Social Security at
7 this time. I have several problems with me, and it
8 has been documented, that shows that CHG has not
9 done their job, because years ago I was a fireman
10 and out there at Hanford every year you go through a
11 physical. And it is really funny because in 1998,
12 when I started with CHG, all my physical health
13 records show that I was in really good shape, had no
14 problems and then all of a sudden, they started
15 doing this tank vitiation where they transfer lines
16 and different chemicals from some of the tanks that
17 possibly are leaking, you know. And so here I got
18 involved with this and then all of a sudden I got
19 exposed to Beryllium. They say that there is no
20 Beryllium on site, there never has and there has, or
21 they have never ordered anything that had Beryllium
22 or had have Beryllium in CH-2's possession. I was
23 told to grind on some tools in 1998, and these tools
24 had 38 percent Beryllium in them. And over the next
25 three, four years, my health started deteriorating

1 and so I decided I would go in for this medical
2 checkup that they have, you know, the Government is
3 providing for us, and come to find out that I am one
4 of these people, you know. And what has happened in
5 the last two, three years, my lung capacity has
6 dropped down to about 43 percent. There are times
7 where I have the same symptoms that a lot of these
8 other people. We have these impulsive shakes.
9 There are night sweats, there is hard breathing.
10 There is sensitivity to anything that is out of the
11 norm when it comes to dust, or any kind of vapors.
12 CHG for the longest time said the vapors in the
13 Beryllium weren't an issue because they didn't have
14 anything out there. The only thing they had was
15 ammonia.

16 And, you know, they did a lot of testing
17 and stuff and they kept on ensuring us that our
18 health was being taken care of. They would also
19 tell us that don't worry about the exposure, if you
20 do smell something, just turn your head away for a
21 minute and sort of breath upwind. Well, where can
22 you breath upwind when you are on your hands and
23 knees and there is off gases coming out of these
24 tank farms. And it is coming up in your face and
25 you don't know really which direction to turn your

1 *face because this stuff is hitting you from*
2 *everywhere. People are turned red in the face, they*
3 *get nose bleeds. There are all sorts of medical*
4 *problems that occur from these so-called non vapor*
5 *incidents. And the thing is, is every time we turn*
6 *around we are told that the company is still going*
7 *to take care of us. Don't worry about it. We are*
8 *going to keep you safe, you follow these procedures,*
9 *and stuff, we will keep you safe. If you don't*
10 *follow these procedures, we will terminate you*
11 *because you are in violation. But, yet, they can*
12 *change their procedures or interpret the procedures*
13 *for their own benefit. And the problem is that a*
14 *lot of us are getting sick because of that. They*
15 *all have these near misses they call them. Well,*
16 *the near miss is wrote up as if nothing really*
17 *happened. But, yet somebody was almost hurt or*
18 *killed. There has been a few deaths out here. And*
19 *thank God, you know, knock on the wood, nobody else*
20 *has been killed lately, you know, but there is more*
21 *and more people like myself that are coming down*
22 *with different lung diseases. Nobody can tell you*
23 *how or where got it from other than it is through*
24 *hereditary, you know. And the thing is, is giving*
25 *these contractors these exemptions, where they don't*

1 *have to follow anything because the procedures and*
2 *stuff they have in place right now, they don't*
3 *follow. I have got documentation where they have*
4 *violated their procedures time and time again. But,*
5 *the thing is, we are just little peons out there,*
6 *little voices, very seldom heard. The best thing is*
7 *they pacify you by pushing you off in the corner,*
8 *and treat you as a collateral damage. And that is*
9 *acceptable in their eyes because we are, we are just*
10 *a little piece of the pie. And I am glad that you*
11 *guys are giving us this opportunity to speak to you*
12 *because it is about time that, you know, the little*
13 *guy is finally being heard.*

14 *There are a lot of problems out there. To*
15 *correct these problems, I have no idea on how to do*
16 *it because it is so big and so vast, that, that, you*
17 *know, it is just getting out of hand. And what the*
18 *deal is, is you are going to have more and more*
19 *people like myself, before they are 60 years old,*
20 *either die or come down with some kind of disease,*
21 *being drop kicked by their contractors and set at*
22 *home on disability because we are done with you now*
23 *because we used you the best we could, we made*
24 *enough money off of you and now your time is done,*
25 *so we are going to put you over here in the corner*

1 and forget about you. And that is where a lot of
2 these people in this room feel they are at. And I
3 would like to see that these 10 exemptions aren't
4 even brought up because of this. They need to
5 correct the problems they have now.

6 So, don't let them start something new to
7 create more people like myself, because this has
8 been the last two years I have been off, it has been
9 hell. It hasn't been fun. My wife is, if it wasn't
10 for her, I would have been a nervous wreck or in an
11 institution by now. But, because of her and her
12 persistence on having me do things, I decided, well,
13 I will come to this meeting and see if I can make a
14 difference. And I thank you for your time. And I
15 hope these hearings will do something for this,
16 these exemptions to be shot down because I think it
17 is wrong.

18 Thank you very much.

19 MS. ROGERS: Thank you, Mr. Holbrook.

20 MR. CAVANO: Okay. Next on the list is, we
21 have a Joseph Conant.

22 Spell your name.

23 PRESENTATION BY JOSEPH CONANT:

24 MR. CONANT: C-O-N-A-N-T. Thank you very
25 much for listening to us and giving us a voice. We

1 are all Americans. My family showed up in 1632. My
2 15th, I am a descendent of the Roger Conant, 15
3 generations. And even though we don't have a voice
4 like he had then, or Nathaniel, Colonel Nathaniel
5 Conant that told Paul Revere, one by sea, two by
6 land, we want our voices heard.

7 And we have been through this stuff for two
8 years now, hitting roadblocks. And that is what
9 these are, is roadblocks. We have been trying to
10 knock down things and ask why when people are sick,
11 that they are denied through CCSI, and keep going
12 around and around and around. I have come from the
13 labs, where people have passed away. I have seen
14 friends like Cal Holbrook escorted out like a
15 criminal by security guards. I have seen my friends
16 Steve and Ginny Wallace fired. And when I did a
17 baseline, and they said, gave me a work restriction,
18 I was sent home without pay. Told me I could file a
19 short term disability thing, but on top of it, it
20 says non work related. I was off for six weeks. I
21 have got a kid at home, I have got responsibilities.
22 I tube feed her every two hours a day. And we take
23 care of her, and we take care of our
24 responsibilities. And this here is a short way of
25 getting around the responsibilities. They haven't

1 took no responsibilities out here.

2 And when we try to do things and speak our
3 free will, freedom of speech, they get harassed.
4 They get disciplined. They get threatened of their
5 livelihoods. It is not right and we should hear the
6 voices and listen to the people around here. We
7 should listen to the voices that ain't here no more,
8 but listen to their families. Listen to the
9 families of what they have been through, and the
10 people that are in my labs that I have worked with,
11 and never made a retirement like Dennis Otto, Ernie
12 Caterrace, Eva Sydell, Gail Sysarah. There is a lot
13 more, I just don't want to go through. But, you
14 should talk to Steve and find the list of people
15 that has been sick and out there.

16 I will get back on course here. Sorry
17 about that.

18 We need a proper JHAs out there. And we
19 are promised them and then we find out we are sick,
20 we wouldn't be sick if we had the proper JHAs. If
21 it was done right, we shouldn't have to be going
22 down to the doctors. So, something was done wrong.

23 And when we went to the public meeting and said
24 there was chemicals out there and they said it was
25 only ammonia, well, now there are 54 to 59. And I

1 *breathe that stuff, but now I am being denied on my*
2 *LI claim for the same thing with having respiratory*
3 *problems like other people in this room has.*

4 *There has been a lot of good people around*
5 *here that has spoken up and I just hope that theirs*
6 *and mine are heard and thank you very much.*

7 *MS. ROGERS: Thank you.*

8 *MR. CAVANO: Okay. Next person listed is*
9 *Steven Louis.*

10 *PRESENTATION BY STEVEN LOUIS:*

11 *MR. LOUIS: Good afternoon. My name is*
12 *Steven Louis, S-T-E-V-E-N, L-O-U-I-S.*

13 *I am an electrician at the Hanford Nuclear*
14 *Reservation for one of the contractors responsible*
15 *for the task of handling nuclear materials and waste*
16 *in the tank farms. I have been working at Hanford*
17 *for 13 years and I want to thank you, Mr. Shaw, Mr.*
18 *Bodman, and others, whoever is taking the time to*
19 *listen today. I hope I am able to communicate a few*
20 *very important facts and ideas to you. I welcome*
21 *you all to the field level issues of DOE business at*
22 *Hanford spoken by some of us at the field level.*
23 *Thank you for your time, for us to speak of these*
24 *issues.*

25 *There are some ironies to the opportunities*

1 available at this meeting today and I beg your
2 forgiveness to point out what I see as such ironies.

3 Again, I want to thank you for your involvement.
4 It is a challenge to say the least to spend 10
5 minutes with you today to describe issues,
6 weaknesses, failures and concerns with the work
7 progressions I have been involved in for the last
8 eight years in the tank farms. It is a challenge
9 just to state the concerns in 10 minutes, let alone
10 comment on the factors that precipitate them that
11 will also prohibit the addressing of any details.
12 We also will not get to remedies and corrections
13 that could be made to turn a corner at this work
14 site and put to rest what could be a most expensive
15 miscalculation and wasted path forward.

16 I understand some of the circumstances out
17 of which this challenge we have before us grew. By
18 challenge I mean, the great waste volumes and
19 expenses and health and environmental threats left
20 as residual burdens to a great race to prevail and
21 survive as a nation. I am here speaking because we,
22 as Americans, like Joe said, we are first to wheel
23 nuclear might because we prevailed, partly due to
24 the awesome development of the nuclear weapons.
25 Those weapons played a role in the preservation of

1 *free speech. Now the irony that I mentioned earlier*
2 *is this, today it is my hopes that the free speech*
3 *preserved and protected in part by the predecessors*
4 *to DOE may now itself play a role in preserving the*
5 *future of DOE in sort of a qui pro quo dance of*
6 *returning the favor.*

7 *This speech we love so much and it is so*
8 *important that we have seen people face death and*
9 *give their lives to preserve has a role. Often it*
10 *is the role of criticism and challenge. Today it is*
11 *criticism and challenge. One of the free speeches*
12 *greatest values. I thank you and I do hope this*
13 *contribution, this contributes to a horizon far in*
14 *the future we can all reach together. And I know it*
15 *must be hard to hear some of these things.*

16 *You should know I began my employment with*
17 *enthusiasm, appreciation, pride and hope. Those*
18 *qualities have sustained me, but, I am in need of*
19 *restoration, for if you can be made to see this work*
20 *progression from my eyes, you will know to maintain*
21 *those attitudes, a great quantity of exceptions must*
22 *be made to what is right.*

23 *I no longer go to work at Hanford with*
24 *preserve and protected by secrecy. That was then,*
25 *this is now. As far as I know, we suffer mightily*

1 *now from a misuse route of mystery and*
2 *disinformation granted in a war power and now used*
3 *as a crutch to gain profit and reduce legitimate*
4 *liability. I believe in profit and I like to*
5 *minimize liability legitimately. Unless you can*
6 *help me to understand how it is in the national*
7 *interest to misinform a greatly numbered loyal and*
8 *skilled work force with greatly desired, who greatly*
9 *desires success for all, and I am afraid then we*
10 *have moved into an era of profit over what is right.*

11 *Profit over health, profit over ethical relations.*

12 *What am I talking about? Follow this description*
13 *of the wok and tank farm work.*

14 *Employees in the tank farms are asked to*
15 *work with confidence, capability, understanding,*
16 *complexity, danger, skill, alertness and on and on.*

17 *This is a demanding environment to say the least*
18 *with potential disaster awaiting afar astray from*
19 *good control over the work. This we, the tank farm*
20 *workers, provide, the knowledge and familiarity to*
21 *perform this work at the field level. What has*
22 *occurred in the last few years that has brought us*
23 *to this day is a series of events and raised*
24 *awareness, woven into new and challenges stages of*
25 *work with closer and much greater associations with*

1 the tank farm contents then has ever occurred
2 before. This certainly is a great change. A
3 continuing effort to actively manage and process the
4 resources and by-products of World War II, the Cold
5 War, and progress and energy distribution, great
6 change. The problem is, this great amount of change
7 cannot be sustained without the surface of human
8 health or lives or the lifting of the shrove of
9 secrecy that is allowed when on the civilian side of
10 the fence would be tantamount to abuse and
11 violations of many laws designed to protect workers'
12 health and safety.

13 Unethical if not illegal disinformation
14 with respect to substances and exposures and
15 environmental concerns in the work place, etc. We
16 discovered these things occurring by injury,
17 debilitation, irritation, worrisome of cancer
18 patterns, etc. We then correct the obvious problem
19 and we shrink back as a work force and we wonder
20 why. Why? If we could correct after the feet have
21 been dragged to the fire, time after time, why are
22 we not transparent and forthright from the beginning
23 in this work place. Now we ask why are we shrouded
24 with war powers and secrecy patterns supposedly
25 remands of national security at our risk and at our

1 *expense.*

2 *I can to work in the tank farms by*
3 *volunteering to go to work there.*

4 *You have to tell me if I get to 10 minutes,*
5 *because I don't know where I am on this.*

6 *I expect honest information,*
7 *professionalism and loyalty to workers. I got some*
8 *of those things from everybody out there, but some*
9 *big things were missing. When it came to being*
10 *informed to what I was being exposed to, there was*
11 *downright deceit. There are people in the hierarchy*
12 *of the works at Hanford that detest me for speaking*
13 *about this. To them I am a trader. I am screwing*
14 *things up. I am not a team player and I am an*
15 *enemy. It is not a crusade that I am here today, it*
16 *is not that I am a whistle blower, it is not that I*
17 *am contrary and anti success, not that I am not in*
18 *favor of profit, none of that. It is my*
19 *responsibility to communicate, to discuss, to share*
20 *knowledge with my peers, to question and to speak.*
21 *It is because I am what is called a good employee*
22 *like many others here. I will tell the king when he*
23 *is looking at bit naked. My gosh, go put some*
24 *clothes on, you are hanging out there a mile. It is*
25 *not a fun job doing that and it has its*

1 consequences.

2 My words at first were this is not ammonia,
3 or maybe this is not just ammonia. And said, I said
4 that at first because it has health effects and I
5 experienced them and along with the injury came the
6 insult. It was repeated, it is just ammonia and
7 you cannot have a respirator when you want one, you
8 will get one when we prescribe them for the job. I
9 said, to the IS&H group in work meetings, in front
10 of many people, you are not calculating PELs
11 correctly. You have to add the cumulative limits
12 of each chemical targeting similar organs. That was
13 dismissed, and I paid dearly in my work place status
14 amongst my peers and my supervision.

15 I miss the old days when relations were
16 good at work. I am an electrician. I should not
17 have to correct the IS&H. I will be hunted until I
18 am gone for saying these things, that is
19 unfortunately a price for speaking up. I have been
20 told by quite a prominent IS&H supervisor and I
21 quote him, "I go out in the tank farms and my
22 sinuses burn and my throat burns, and my eyes water
23 and it doesn't bother me and if it did, I wouldn't
24 do it." He said that to me and other workers as we
25 were trying to discuss tank farm contents. We were

1 told at that point in time it is a just ammonia and
2 it doesn't matter if it burns.

3 He used to say it was just ammonia, now a
4 list of carcinogens and other harmful chemicals have
5 been released and we are on fresh air and as
6 recently as two weeks ago, an IS&H tech was quoted
7 as saying, "This use of fresh air is a bunch of
8 crap." I don't like being led in my IS&H affairs by
9 the kind of technician.

10 I sometimes wonder if the IS&H supervisor
11 still likes to go out in the tank farms and burn his
12 sinuses. This goes on absurdity. Where else can
13 you go and work and when you are breathing something
14 that is at least irritating to your respiratory
15 tract and truly is compounds, the like of which no
16 one even knows up to 1800 of them, be told it is
17 just ammonia. Don't worry about it. I thought I
18 might bring a list of chemicals found in just one of
19 the tanks and just breath the 16 to 1800 names of
20 them in 10 minutes.

21 I wouldn't be able to read the names of just the
22 contents of a single tank of complex substances in
23 10 minutes. This is a far cry from ammonia.

24 Now with no idea of time, I guess I am, I
25 am, I don't know where I am on time. Okay.

1 *This is the hard part, next comes the*
2 *stories of the DOE contracted medical assistance and*
3 *the DOE contracted third party medical claims*
4 *administrators. Both of which, I believe, you have*
5 *written into their contracts to limit liability to*
6 *DOE. I must say never go to a doctor who has a*
7 *contract to limit liability to whoever may be part*
8 *of causing an injury or an illness. There is*
9 *something lacking in their care.*

10 *It has taken so long get a resolution in an*
11 *L&I reimbursement that the physician that I did a*
12 *complete evaluation with, the legitimate medical*
13 *provider that scoped my throat, he retired and I was*
14 *unable to locate him to provide testimony. DOE wins*
15 *their medical cases against injuries occurring at*
16 *Hanford largely by litigation strength and financial*
17 *overwhelm. If I could match DOE's money spent case*
18 *per case, we would all win our cases. So, we are*
19 *not, we are no winning our cases or losing our cases*
20 *based upon merit of the case or the claim, we are*
21 *just not able to compete with the overwhelming*
22 *litigation powers.*

23 *I would like one of you to just look at how*
24 *much money was spent litigating against my claim*
25 *versus what it would have taken to honor it. You*

1 would be shocked. DOE and I know this is a hard
2 part, and I don't know what to do about it all, but
3 DOE cannot resist the alluring power of self
4 regulation and neither can the contractors. This
5 has been proven to me. I would unequivocally
6 suggest no exemptions be allowed. They will simply
7 eliminate rules that get in the way of profit.
8 These exemptions would be used to mow down the rules
9 as the money dozer races across the scene. This is
10 not an indictment of DOE or contractors in
11 particular. It is a statement on temptation.

12 We all need help with temptation. My price
13 for temptation is speeding tickets and sore fingers.
14 It is better than no rules. We have disaster with
15 no rules. Believe me, we can solve all of the
16 challenges at Hanford without exempting rules. We
17 will do better to send the contractors home in the
18 end with a little less bonus money and the employees
19 home with a lot more life and health. How many
20 times we were told that it was just ammonia. That
21 alone presents the argument against self evaluation
22 and self regulation.

23 And thank you, I will be glad to elaborate
24 on details. I am called a whistle blower. I call
25 myself a good employee and a good citizen with

1 *questions. And I sincerely do appreciate the time*
2 *you have given to me and the others here today.*

3 *MS. ROGERS: Thank you, Mr. Louis.*

4 *MR. CAVANO: Okay. We have, did Connie Reedy*
5 *ever -- Okay. That is all we have listed here right*
6 *now. Does there anybody else want to speak?*

7 *(Pause.)*

8 *PRESENTATION BY JULIE TRUDEAU:*

9 *MS. TRUDEAU: My name is Julie Trudeau.*
10 *J-U-L-I-E, last name T-R-U-D-E-A-U. And I am*
11 *representing on this form, Kathy Keren, my sister.*
12 *This is her obituary. She passed away last Friday*
13 *and after hearing all these people speak, I never*
14 *choose to work at Hanford, and it seems to be that I*
15 *will survive because of that. And their stories are*
16 *the same stories that I heard from Kathy. She had a*
17 *stillborn son. He was eight months along. And I*
18 *had to write the song for his funeral. Kathy had*
19 *requested that I write the song for her funeral.*
20 *And that is what I did.*

21 *And I understand the bottom line in*
22 *business is profit, and profit, good business*
23 *practices come from good employees. You know how*
24 *hard it is to find good employees, and to take care*
25 *of those employees. And it is much cheaper and you*

1 will have much more profit by preventive
2 maintenance. All these deaths, all these diseases,
3 could have been prevented just by simple safety
4 procedures. Just by simple maintenance. Just by
5 simple equipment. And one way or another, the
6 Government is going to pay and the Government
7 doesn't have that kind of extra funding. We are
8 trying to protect our country from terrorism, and
9 our budget is going into defending our country.
10 This is about defending our country. These are our
11 people. You are our Department of Energy. We are
12 one nation. And it is preventive in taking care of
13 our nation.

14 Thank you very much for your time.

15 MS. ROGERS: Thank you.

16 MR. CAVANO: Aaron Crowell.

17 PRESENTATION BY AARON CROWELL:

18 MR. CROWELL: My name is Aaron Crowell,
19 A-A-R-O-N, C-R-O-W-E-L-L.

20 And I represent the Government
21 Accountability Project which I will refer to here
22 as GAPP, not the clothing store. GAPP is a non
23 profit organization that is concerned with the
24 standards and transparency of cleanup and worker
25 safety at Hanford. My placement at GAPP is through

1 *the Lutheran Volunteer Corps, which is a national*
2 *faith based service organization. And thus I am*
3 *attending this hearing today as a concerned member*
4 *of the public but also a concerned advocate of the*
5 *Christian Faith.*

6 *It has been a privilege and a blessing for*
7 *me this past year to work with and learn from many*
8 *of the Hanford employees from whom you have just*
9 *heard testimony. My desire to comment on the*
10 *drafted rule for the Department of Energy's Safety*
11 *and Health Program stems from my faith and my*
12 *admonishment of how these workers have suffered on*
13 *the job.*

14 *I view the creation of the truly protected*
15 *safety and health program to be not just a matter of*
16 *good administrative practice or matter of*
17 *congressional requirements in the 2003 National*
18 *Defense Authorization Act, but also a matter of*
19 *social justice. I mean a sense of justice that is*
20 *the embodied of God's love in our world. I mean a*
21 *sense of justice that is the act of assertion that*
22 *we have all equal value in God's eyes. And when it*
23 *comes to the Hanford site, this means that*
24 *protecting the well being of the workers must be a*
25 *top administrative and moral priority.*

1 *There is a horrific legacy of nuclear waste*
2 *from the Cold War and these Americans are doing the*
3 *honorable work of healing creation for us and for*
4 *our future generations. Yet as prior testimony has*
5 *shown, they are being forced to make the greatest*
6 *sacrifices. These folks spend their daily hours*
7 *dealing with the most dangerous toxic and*
8 *radioactive waste ever produced, including tanks*
9 *that unwittingly become the largest, the nation's*
10 *largest chemistry experience and spew vapors that*
11 *have yet to be fully characterized.*

12 *The other testimony has shown they have*
13 *dealt with a history of having their personal health*
14 *and their professional integrity compromised in*
15 *favor of other goals. And certainly none of us in*
16 *good conscience or in good faith whether here or in*
17 *Washington, D.C., wish to allow this to continue.*
18 *The 10 exemptions in the current draft rule,*
19 *however, should make us all question if we are*
20 *heeding the call to put our values into action. The*
21 *Department of Energy's Proposal for Safety and*
22 *Health is simply inadequate and immoral.*

23 *In Congress they urge flexibility,*
24 *flexibility on the basis of health and safety*
25 *standards. They did not want a whitewash of*

1 exemptions. Simply put, I think the word exemption
2 and health and safety standards don't even belong in
3 proximity to with each other. The exemptions should
4 all be withdrawn. But, if we need to talk about
5 reasons to throw out each of these individually, we
6 can do so.

7 Start with Exemption number 1, basically it
8 pits contractual agreements versus safety
9 regulations. And this could allow contractual clean-
10 up milestones to trump the well being of the workers
11 at Hanford and contractual agreements simply
12 shouldn't trump regulations. Exemption number 1
13 should be deleted.

14 Exemption number 2, Exemption number 2
15 could better, could better be utilized. What we
16 need in place of Exemption number 2 is a formal
17 transparent worker influence process to change, to
18 change rules if the original rule does not serve its
19 underlying purpose, not the quiet backdoor exemption
20 path that this has taken. So, Exemption number 2
21 should be deleted as well.

22 Exemption number 3 sets up basically a cost
23 benefit calculation applying to workers' safety.
24 And as a self regulated entity, the Department of
25 Energy, has an inherent conflict. You have heard

1 *numerous testimony which people just before me*
2 *addressing that. And it should show on the record*
3 *that this exists, this points to a symptom,*
4 *Exemption number 3 points to a symptom of a much*
5 *larger problem that the Department of Energy, the*
6 *Department of Energy should humbly request the*
7 *Congress to provide itself with the external*
8 *regulation that it needs. There certainly needs to*
9 *be self regulation, but, they need external*
10 *regulations such as OSHA to be overriding in all*
11 *aspects. Exemption number 3 should be deleted.*

12 *Exemption number 4 compares, compares*
13 *safety rules to the private sector and could permit*
14 *safety exemptions from rules that are more stringent*
15 *in the Department of Energy than in the private*
16 *sector. And Exemption number 4 should be deleted.*

17 *Exemption number 5 sets up a system of*
18 *safety tradeoffs. It could reduce protections*
19 *below the minimum safety standards. Exemption*
20 *number 5 should be deleted.*

21 *Exemption number 6 is not necessary.*
22 *Contractors can avoid fines and penalties under the*
23 *Department of Energy's Enforcement Policy, if they*
24 *self identified problems and begin corrective*
25 *actions. They do not need a whole scale exemption*

1 to avoid this. Exemption number 6 should be
2 deleted.

3 Exemption number 7 contains a very
4 ambiguous definition or no definition at all of the
5 public interest. It can be deemed the public
6 interest to clean up Hanford as fast and as quickly
7 as possible, and if that is done in whatever way,
8 whatever way is deemed necessary, there will be many
9 dead bodies left behind at Hanford, many of the
10 people who you have just heard from who have friends
11 and family, who will continue to be hurt if we can
12 use such broad based definition. Exemption number 7
13 should be deleted.

14 Exemption number 8 and Exemption number 9,
15 the goals of which could be more effectively
16 achieved through enforcement policy rules rather
17 than whole scale exemptions. Exemption number 8 and
18 9 should be deleted.

19 I would like to refer you to the comments
20 on that were submitted by Richard Miller of the
21 Government Accountability Project on March 29. If
22 you wish to see details on any of these examples of
23 why the exemptions should be deleted.

24 Furthermore, besides the exemptions, the
25 only way to create or implement worthy safety and

1 *health programs is with local level worker input, as*
2 *you have heard requested in just about every*
3 *testimony before me. And this cannot be just a form*
4 *to be heard. It needs to be a system whereby worker*
5 *input is actively considered to be part of policy*
6 *making for the rules and the implementation of these*
7 *rules. They need to constantly checked with, with*
8 *the people who are actually at the job site.*

9 *Once again I would like to refer you to*
10 *Richard Miller's comments on March 29th for both*
11 *reasons to, reasons that we need things such as*
12 *anonymous notifications for workers, that we need,*
13 *we need stringent fines and penalties for*
14 *contractors that break the rules in safety and*
15 *health programs. And that the regulations should*
16 *preclude any discrimination against employees for*
17 *requesting an investigation on these, on issues.*
18 *And please refer to Richard Miller's comments, March*
19 *29th for possible suggested text to put into the*
20 *rule.*

21 *And with that, I wish, I wish to add that*
22 *working and learning from these workers at the*
23 *Hanford Site over the past year, I have seen, I have*
24 *seen way too many people coughing. I have seen way*
25 *too many people who have pictures of faces that are*

1 inflamed. I have seen way too many people who talk
2 about loved ones who have been exposed to vapors or
3 to other chemicals and they have lost them or they
4 are currently sick. I have spent way too much time
5 meeting with workers, writing on whiteboards and
6 large pieces of paper as we organize and having to
7 use crayons because their chemical sensitivity are
8 so great they can't even stand the markers that we
9 use in elementary school. We have to use crayons.

10 What I ask is for those people who have the
11 power to work on the rulemaking for the safety and
12 health program for the DOE is to constantly question
13 with your sense of compassion and your sense of
14 conscience and your sense of faith, and what that
15 calls you to do when you create a health and safety
16 rule, and ask with each and every exemption or each
17 and every point that you make, that is it about
18 protecting the well being of those who are in the
19 most potentially damaging situations or it is about
20 something else, about other goals. And if, if the
21 words mean anything to you and your faith, I think
22 it is important to consider where it was written
23 that that what you do for, that what you do not do
24 for the least of these, you do not do for me.

25 Thank you very much for your time.

1 MS. ROGERS: Thank you.

2 John, do you have any more unscheduled
3 speakers?

4 MR. CAVANO: That is everybody that signed
5 up for that. At this time we don't have anybody
6 signed up yet for rebuttal or clarifying statements.

7 MS. ROGERS: Okay.

8 MR. CAVANO: If there is anybody, if anybody
9 wants to do that, they can do that.

10 MS. OGLESBEE: This is Gai Oglesbee
11 speaking, a victim of cancer pollution.

12 I want to take issue with, I think it was
13 the lady on the right of the screen, I am not, I
14 don't, I am not bound by DOE rules anymore. I am a
15 member of the public and with that said, the rules I
16 follow are the 1st Amendment rules of the
17 Constitution. Thank you.

18 MS. ROGERS: The rules that were given out
19 for the public hearing are bound by DOE and this is
20 a public hearing. Bill McArthur in Germantown read
21 the rules at that time. And it was stated that only
22 panel members are allowed to ask questions. I am
23 sorry if you were offended by the rules.

24 MS. OGLESBEE: I am not offended, I just
25 don't --

1 MR. SWAIN: My name is John Swain, again,
2 and I would like to make an instance for how they
3 treat the people out here. They have taken, we had
4 some workers out in the field that overfilled the
5 dilution tanks in the tank farms, they spent
6 thousands and thousands and thousands of dollars to
7 find out who these people were, and with the Union's
8 blessing and all that, they made these people do a
9 movie on truth, honesty and integrity. And they
10 made everybody in tank farms see the movies. So, I
11 am just wondering where the truth, honesty and
12 integrity is coming back from. Thank you.

13 MS. ROGERS: You are welcome.

14 John, if we don't have any other -- I am
15 sorry, John, do you have any other, if you don't
16 have any other unscheduled speakers or anyone who
17 wants to make a rebuttal or clarifying statement, we
18 are going to go off the record until you get a
19 person to come in and give a speech.

20 MR. CAVANO: Yes, we do not have anybody
21 else that I know of here.

22 MS. ROGERS: Okay. So, right now we are
23 going to go off the recorder, we are going to go off
24 the record.

25 (Off the record.)

1 MS. ROGERS: On the record.

2 MR. CAVANO: Say your name.

3 MR. CONANT: Hello, this is Joe Conant,
4 again. They asked me to ask some of the problems
5 that was at 222S Lab, so I will try to identify some
6 of them.

7 In the '90s, they started bringing in the
8 samples, which were pretty toxic. And their high
9 vac system, they changed, but I don't think they did
10 it properly. And they have since then found, I
11 guess, holes and leaks in them, which was bringing
12 the fumes right into the rooms to the workers. They
13 also had real high radiation in the pipes
14 downstairs. Why it was so high, I would not know.
15 But, the construction workers at that time took a
16 lot of these pipes out and they quit sending the
17 waste down through the tanks then and started
18 transporting them out through trucks. But, between
19 those workers that seem to be sick and the lab
20 workers that were there, there has been a many
21 things that just need, needs to be understood about
22 what has happened out there in the tank farms and
23 what is going on.

24 And they took the high vac system apart
25 this last year, whatever, and was hoping that they

1 would see what was in it, if there was any chemicals
2 or residue. When they first put that high vac
3 system in, people would go to work in the morning
4 and sometimes they would have grit and dust on their
5 tables and was that stuff bad for us, I don't know.

6 I just know that my father became sick
7 about three years ago, just about the same time that
8 people I started realizing that I worked with had
9 been sick or passed away. And that was about the
10 same time when Steve had his doses out there and it
11 has been a nightmare for two years. And the more I
12 hear, the more people come up and tell me and their
13 families out there, it has been terrible.

14 But, if you please look at the all the
15 people in the '90s that worked at the 222-S labs, or
16 everybody out there really, but, see what, what, how
17 their health is now. Thanks.

18 MS. ROGERS: Thank you.

19 (Pause.)

20 MR. CAVANO: Maybe, state your name.

21 MS. VALLEJO: This is Maybe Vallejo again.
22 I forgot to mention earlier that there is a high
23 rate of workers at 222-S lab that had nasal surgery
24 because of sinus problems. Thank you.

25 MS. ROGERS: Thank you.

1 MR. CAVANO: We have another individual.
2 State your name.

3 MR. SCHULTZ: My name is Harland Schultz,
4 H-A-R-L-A-N-D, S-C-H-U-L-T-Z.

5 I am a retired Hanford worker. I worked
6 out in Hanford in the radial maintenance department
7 for 28 years. My job took me to -- facility, the
8 project, including Purex, inside the Purex Canyon,
9 Deflatten Canyon, T Canyon, 222-S, 225, 100M, 100K,
10 so I have worked in all the facilities out there.
11 And my problem surfaced when I went to get surgery
12 on my nose. I have a deviated septum and I was
13 going to have a doctor straighten it and I had a
14 blood test and he said that my blood palate level
15 was too low. I went back to HEHF and looked at my
16 previous records and my palate level had been slowly
17 decreasing. And I went to have my blood marrow test
18 to find out what the problem was, and the doctor did
19 the test said that he had absolutely no idea what my
20 problem was, that I was in really bad shape, but
21 there was actually nothing that could be done about
22 it. He called my condition I.T.P. It is idiopathic
23 and I don't remember what the rest of, a great big
24 long, long name. But, as I have said, I have been
25 in every facility, well, practically every facility

1 in Hanford as, as a worker.

2 One problem we have out in Hanford, which
3 has been stated before is there are so many
4 contractors, and each one has their own safety
5 requirements, so, it is sometimes hard to, to know
6 what, what each facility requires. We go through
7 facility orientation but between the time we take
8 the orientation and the time that you actually are
9 in the facility conditions have changed. So,
10 sometimes you actually violate their safety
11 standards without knowing it because your training
12 is, is out of date, even though it could have been
13 just, just a few days before.

14 (Pause.)

15 MR. LEWIS: I will consume a little more
16 time in the chair here, if you don't mind.

17 My name is Steve Lewis, that is L-E-W-I-S.

18 I will take this opportunity and this time while
19 nobody else is speaking to talk about the third
20 party administrator that we are all forced to deal
21 with at the site, whenever we have a health issue
22 and if there is any claim made to an illness or an
23 injury related to work. The contractors exert a
24 lot of influence and you know, it is hard for me to
25 say this because I know it is not, it is not easily

1 *taken, but, DOE willed a tremendous amount of*
2 *influence over the outcome of these contracted*
3 *entities that serve us as employees out here. The*
4 *contractor that handles our labor and industry*
5 *claims, it is called CCSI, and this company, I*
6 *believe, is contracted by DOE. I have seen the*
7 *documents in my case files at CCSI. This is my*
8 *personal opinion, it is criminal the way our L&I*
9 *claims are handled.*

10 *And I am going to tell you that because I*
11 *have witnessed documents between my third party*
12 *claims handler that in discussion with the doctor at*
13 *the formerly, or former HEHF, discussed my symptoms*
14 *on a job injury and invented their own field facts*
15 *about the incident. And came to a conclusion that*
16 *my claim should be denied because my eyes didn't*
17 *water, even though my face was red and burned. But,*
18 *I had tight fitting safety glasses on that sealed my*
19 *eyes up in that, but there is no job record. And*
20 *they feel no obligation to abide by any job facts*
21 *when they derive their conclusions. And this is a*
22 *tiny sample of what we go through when we come*
23 *forth. DOE has got a tremendous liability by*
24 *suppressing symptoms out here, by denying cases*
25 *because you will never make a correction in time.*

1 You didn't see the flag go up when you should have
2 seen it go up because nobody let the flag go up.

3 And I am not trying to paint a dark
4 picture, but I certainly want you to know it is a
5 dark past. And just like, just like Bill Clinton
6 and Mr. Bush say on the commercial, we can't do
7 anything about the past, but we can certainly do
8 something about the future, so maybe if you just
9 start digging into this a little bit, the work force
10 and the DOE entity and the contractors would be able
11 to do something about the future that is very
12 constructive.

13 So, I could go on for days and days and
14 days. If you have any questions, just like some of
15 the other folks said, there is a lot of details and
16 we won't drag you through them all in this
17 conference. And we do appreciate the conference.
18 Thank you.

19 MS. ROGERS: Thank you.

20 (Pause.)

21 MR. CAVANO: Okay. What I will have you do
22 is state your name and spell it.

23 MR. SMITH: Okay. Should I start now?

24 MR. CAVANO: Yes.

25 PRESENTATION BY KEITH SMITH:

1 MR. SMITH: Hello, my name is Keith Smith, I
2 am the Health Safety Protection Chair for, the
3 Committee Chair for the Hanford Advisory Board. My
4 name is spelled K-E-I-T-H. I know that Smith is
5 hard one to spell.

6 I just want to go on record as a former
7 employee at Hanford and someone who is vitally
8 interested in workers safety at Hanford at the
9 present time, that I think one of the things you are
10 missing in these proposed regulations and the
11 inclusion in law is the issue of making sure you
12 have worker input, you know, into the safety
13 regulations and hazard recognition in the work
14 place.

15 When the integrated safety management was
16 proposed for Hanford, we were sold on the idea that,
17 and I was working at Hanford at the time, we were
18 sold on the idea that enhanced work planning was
19 going to be part of the integrated safety
20 management. We were very disappointed when the
21 final regulations came out and it left from
22 Headquarters and that was left out. It was more
23 than a disappointment. We felt like we had been
24 deceived. But, nevertheless, I think it is time
25 that those kind of regulations were put into effect.

1 You don't start setting work place hazard
2 recognition until you have had ample worker input.
3 People that are facing those hazards every day. And
4 I don't know exactly how you would write those in
5 there, but, starting with the way that integrated
6 safety management described enhanced work planning
7 would be a good start.

8 MS. ROGERS: Okay. Are you finished?

9 MR. SMITH: Yes, Ma'am.

10 MS. ROGERS: Oh, okay. Thank you.

11 MR. SMITH: You are very welcome.

12 MS. ROGERS: John, if people feel that they
13 were not given enough time today, the 10 minutes, we
14 know that, you know, it is kind of short, they can
15 still submit written comments and they can put as
16 much information in the written comments they would
17 like to put into their written comments. They still
18 have until April 26 to submit comments. And they
19 have to be post dated the 26th, so that means that
20 you could mail them on the 26th to me. I still have
21 to accept them.

22 MR. CAVANO: That would be good to do, to
23 document.

24 MS. ROGERS: www., wait a minute,
25 eh.doe.gov\rulemaking, R-U-L-E-M-A-K-I-N-G, wsh, all

1 one word.

2 MR. CAVANO: Thank you.

3 MS. ROGERS: Or you can send them to me at
4 my email address, and I will make sure they get in
5 the rulemaking. And my email address is
6 jackie.rogers@eh.doe.gov.

7 (Pause.)

8 MS. ROGERS: Did we get any other speakers?

9 MR. CAVANO: Not at this time.

10 MR. LOUIS: I will say a couple of things at
11 this time.

12 Yes, my name is Steve Louis. And I wanted
13 to mention the fact that in my work area, in my work
14 area, I didn't notice a lot of notification about
15 this hearing or this opportunity. And what you have
16 before you today is a collection of some people
17 that, that help each other know about things, even
18 though there is no official notification line. I
19 believe you could have, you could have filled this
20 room with a continual presence of 10 minute sections
21 had you, had there been a strong notification of
22 people that wanted to discuss health issues with
23 respect to Department of Energy, the Hanford Nuclear
24 Site.

25 I want to mention the ISH methodology. I

1 have seen a document and I could retrieve it for
2 you, if you so desire, that instructed DOE site at
3 Hanford to use infra red thermal energy to help them
4 locate the mission points of the vapors back in 19,
5 early 1990s. The ISH methodology is flawed and as
6 we speak the basis for the statements are flawed and
7 this is my opinion and they are flawed because they
8 treat the environment at the Hanford Tank Farms site
9 like humongous environment that is equally mixed all
10 over the place and these are sporadic tank emissions
11 that have injured us in the past. And this ISH
12 group out there yet today does not have a means of
13 seeing these, these sporadic tank farms vapor
14 emissions in order to stick their measuring
15 equipment into it. They could be five feet to the
16 side of one of these chemical flumes and read
17 nothing on their meter and they would not know the
18 difference between a chemical flume being there and
19 not being there.

20 This is a big problem. It has been
21 addressed, it has been requested, it has been
22 discussed, it has been suggested, it goes on and on
23 and on. And it is never resolved. And the funny
24 thing about that is, this is one of DOE's keys to
25 the solution of this problem at the tank farms and

1 *Hanford. And they are so afraid of the solution*
2 *that they can't implement their key to the future or*
3 *one of the aspects of it.*

4 *So, one other thing out there --*

5 *(Pause.)*

6 *MR. LOUIS: Okay. Did you see that?*

7 *MS. ROGERS: Yes.*

8 *MR. LOUIS: I wanted to mention worker input*
9 *on things, one of the problems we have out here is*
10 *that companies select what is called go to guy.*
11 *They actually invite participation from people that*
12 *give them the answers that they want to hear and*
13 *they do that in the job arena by selecting people*
14 *that they feel will not have a problem with the*
15 *situation even though other people may not be*
16 *comfortable with it. And the go to guy phenomena*
17 *and syndrome at Hanford is one of the means by which*
18 *some of the work gets done even though there is a*
19 *protest about that procedure and methodology.*

20 *I can't remember if I finished talking*
21 *about the ISH methodology, because the sign fell*
22 *down. And I am just trying to let it be known that*
23 *one of the most valuable tools that they could*
24 *employ at the Hanford Site on the tank farms is*
25 *thermal imaging and I say that because with my eyes,*

1 on a cold day, I can see the heat signature, the
2 wavy heat fluent coming from the tank bins, from the
3 breather filters. And it goes out 15 or 20 feet, and
4 yet the ISH cannot find that with their meters. And
5 I am tired of that. I just think that somebody
6 ought to just move in and, you know, maybe, maybe
7 somebody needs to do it for the ISH group out there
8 or maybe something like that. I don't know. What
9 could we propose to get some technology to solve the
10 problems out there?

11 I think sometimes, well, I could just
12 ramble on and ramble on. I won't do that. Thank
13 you.

14 MS. ROGERS: Thank you.

15 MR. LOUIS: You are welcome.

16 MS. ROGERS: John, did we get another
17 person?

18 MS. OGLESBEE: I want to bring up another
19 comment.

20 MR. CAVANO: Go ahead.

21 MS. OGLESBEE: I think it needs to be said.

22 This is Gai Oglesbee, again. I have been
23 listening to the comments and I don't think it has
24 been, it has been covered, but, when you get into a
25 position where you have been to a lot of court

1 cases, and you have listened to and read a lot of
2 legal documents, industrial hygienists are not
3 considered experts by Ph.D. It is the judge who
4 decides who the experts are. And neither are
5 registered nurses experts who recently in the EEOC
6 position were being considered expert case managers.

7 So, I just want to bring that out because I have
8 valuable expert witness that is Ph.D. and the
9 Government scientists are being taken to task
10 recently, too, because there are your peer reviewers
11 in the Government. And peer review in the real
12 world of science is very essential to proving your
13 theory. And I just wanted to bring that up. Thank
14 you.

15 MS. ROGERS: You are welcome, thank you.

16 (Off the record.)

17 MS. ROGERS: We are back on the record, so I
18 asked the question of was that a reporter?

19 MR. CAVANO: Yes.

20 MS. OGLESBEE: There was another one, too,
21 Ned Kerry from KNDU.

22 MR. DAIGLE: Matt, M-A-T-T, Daigle,
23 D-A-I-G-L-E. I am with KNDU TV, the NBC affiliate
24 here.

25 MS. ROGERS: Okay. Thank you. I just need to

1 note that you were present, that is all.

2 MR. DAIGLE: I am here. I am done.

3 (Pause.)

4 MR. CAVANO: Another lady wants to speak up,
5 again.

6 MS. ROGERS: Okay. State your name.

7 MS. WALLACE: I am Virginia Wallace. My
8 name is Virginia Wallace. I am in OSHE,
9 Occupational Safety Health Education Coordinator.
10 And some people asked me if I would speak up and say
11 a couple of things, so, I decided that I would
12 again.

13 Earlier I didn't disclose that on the tank,
14 there is no chemical monitors and that is in the new
15 Chemical Operators Routine Manuals and that needs to
16 be noted for the record.

17 Also there is no individual medical
18 surveillance done on the employees. I talked with
19 Susan Forrester, and I did some record for the
20 people that she stated that AMH and HEHF never did
21 any toxicology testing.

22 Also, some of the other workers are talking
23 about CCSI, the self insured company, that DOE, the
24 companies have hired for the State of Washington for
25 Workers Compensation Program. I can attest

1 personally that I have spent thousands of dollars,
2 tried to figure out what is wrong with me. I have
3 had several exposures from C103 tank in February of
4 2003, and then I had one outside AW tank farm in
5 April of 2004, then the last one I had was July 21,
6 2004, and that was when the doctor said I am not
7 releasing you to go back to work. At this time, I
8 have found out that I have bronchiectasis, which is
9 a rare lung disease. And in talking to several
10 doctors, they said because I was the person that
11 actually took the samples of the tanks where we
12 would do grafting of them, rotoring sampling, core
13 sampling, vapor sampling, all these types of
14 sampling, then I take the samples to the labs and we
15 would use lead blankets to shield the dose that was
16 coming off the samples and then we got to the labs,
17 we would take the lead blanket off the samples, to
18 give them to the labs, which would set off the 222-S
19 lab monitors. The doctors that I have seen, they
20 said with the combination of the radiation/chemical
21 exposures that I have received in the last 15 years
22 of being a nuclear chemical operator and doing all
23 the sampling and activities that I have done, it has
24 caused my health problems that I have today.

25 Earlier my husband spoke on behalf of some

1 of the health problems that I have. And my husband
2 has occupational asthma and also is very ill.

3 CCSI and the company currently, my Workers
4 Compensation claim is in appeal. I currently, since
5 the end of November 2004 have not received the pay
6 check from the company or Workmen Comp or anything.

7 The company has proclaimed CH2 M-Hill that I am
8 still employed with them. I am not under
9 investigation, I am not being fired, I am not being
10 terminated, etc. That they cannot accommodate me
11 for my worker restriction, yet, other workers been
12 accommodated for the same exposure problems. In
13 these exposures that I have talked about from --

14 (Lost picture, off the record.)

15 MR. CAVANO: We have another gentleman who
16 wants to say a few words.

17 MS. ROGERS: Okay. Did the other lady
18 finish, Ms. Wallace, did she finish?

19 MS. WALLACE: I don't even know where I left
20 off, to be honest with you.

21 MS. ROGERS: Did you hear -- You were
22 talking about radiation and chemical exposures
23 caused your health problems and that, it aborted
24 here.

25 (Pause.)

1 MS. WALLACE: I don't know exactly where I
2 was.

3 (Pause.)

4 MS. ROGERS: Can you play back her last
5 statement?

6 COURT REPORTER: Sure.

7 MS. ROGERS: Okay. She is going to play back
8 your last statement.

9 (Whereupon, the last statement was played
10 back.)

11 MS. ROGERS: That is the last we have.

12 MR. CAVANO: Okay. She said that she will
13 write it up and submit it as a document.

14 MS. ROGERS: Okay. Thank you.

15 MR. CAVANO: And now we have Dale Geer, is
16 it?

17 MR. GEER: Geer.

18 MR. CAVANO: Spell your name.

19 PRESENTATION BY DALE GEER:

20 MR. GEER: Dale Geer, G-E-E-R.

21 I am a nuclear chemical operator. I have
22 been out at Hanford since 1979. All but two of
23 those years was with tank farms. I originally hired
24 in in copulation or WESA. And I have seen quite an
25 evolution with tank farms over that many years to

1 where, up until, I believe, it is about 1993 we were
2 getting into pits and doing jobs that were on fresh
3 air now. During those times we were either with no
4 mask or with a particular filter at very best. And
5 it is acknowledged that there is chemicals coming
6 out of these pits right now, in the same areas where
7 we are using fresh air, we would periodically smell
8 different things, and be told consistently that it
9 was all right.

10 Now, I know that I worked with the crane
11 crew on a regular basis for probably about 16 years.

12 And I have been in probably every pit, caisson and
13 riser or piping at tank farms that there is. And I
14 had an opportunity to have a good whiff of just
15 about everything out there. And I had full
16 intention of just minding my business and doing a
17 good job.

18 I sought some of the jobs that would give
19 you a good workout, because I prided myself for a
20 good many years to stay in tip top shape, which I
21 did. And in doing so, apparently I took some
22 exposures that I was unaware of because we trusted
23 both the safety and industrial hygiene group to do
24 their professional job, for which you could say that
25 with the exposure count that they have now, people

1 that have gone down before we were on SCDA, mainly,
2 although there are some other isolated cases now.
3 These people were trusted to do their job.

4 And so, we got into different things like,
5 I mentioned crane crew on a pretty daily basis for
6 years. Some of the other things more specifically
7 would be like all of the window work for 101-SY on
8 our famous burping tank. Now, I was in on windows
9 A, B, C, D, E, F, G, H, and I windows. We
10 intentionally started up that tank and its contents
11 for which we have never been told what they are.
12 But, I do know that the mercury counts for that
13 particular tank is up to 10.3 kilograms that I have
14 found out about. Okay. So, intentionally burping
15 that tank, which we did for almost a year, with
16 three air lancers that were installed, we stirred
17 the tank up. Every time we stir a tank up, out at
18 the tank farms, and more recently you get some prime
19 examples. The body count goes right up. Okay. So,
20 during that time, there had to have been exposures
21 that possibly we didn't know about right away.

22 Now, I heard headaches and allergies and
23 different things like that, and I have documentation
24 from HEHF as well as my personal family physician,
25 as well as my toxicologist doctor that I have been

1 *seeing the last several months. And so, it is all*
2 *documented, there was symptoms that I was puzzled*
3 *over, did not understand what was going on,*
4 *including having bronchial pneumonia for almost two*
5 *years, that I could never shake. I would get sick,*
6 *come down with flu like symptoms, and I could never*
7 *entirely shake it before I would get nailed again*
8 *with something else. This went on for almost two*
9 *years.*

10 *Well, it is going to take a lot longer to*
11 *go ahead and cover what I have and the information*
12 *and evidence that I have, to go ahead and nail*
13 *things down. So, what I want to do is just let you*
14 *know that that was major exposures at 101SY for*
15 *almost three years, for almost all the people of*
16 *tank farms. And the symptoms that they displayed*
17 *during that time match up very strongly with mercury*
18 *and lead exposures. Now there are other toxic*
19 *metals that are in the tanks, obviously. But, on a*
20 *hunch I ended up just, just trying to find out what*
21 *was wrong with me, I ended up getting lined up with*
22 *a toxicologist that did a toxic metal test by*
23 *chelation. Okay. I got the results back, and my*
24 *lead was almost off the chart or the bar graph that*
25 *they have. And also, I did not show any mercury*

1 *deposit on this test. And I showed very elevated*
2 *for nickel and cadman and some arsenic and other*
3 *trace, metals that can't do you too much good.*

4 *By the way this information is wide open*
5 *for anybody in this room that wants to thoroughly*
6 *examine it, and help out the situation that we have*
7 *out there.*

8 *I will volunteer to give it to you, folks, back in*
9 *D.C., that is fine. I have all the evidence I think*
10 *to back up any statement that I have made so far.*

11 *Okay. -- Back in Virginia and Dr. Harver,*
12 *to go ahead and, hello, the picture changed. Are*
13 *you still there?*

14 *MS. ROGERS: Yes, you froze for about three*
15 *minutes on me, I couldn't, we had no sound. I*
16 *thought I had lost you again.*

17 *MR. GEER: Okay. Anyhow, the company, CH2*
18 *M-Hill brought in doctors, Dr. McDarmitt and Dr.*
19 *Harver, and these folks did everything they could,*
20 *almost strictly Dr. McDarmitt, she overwhelmed the*
21 *conversation. And she put down any method of*
22 *testing that I tried to find out what was wrong with*
23 *me. Okay. So, she put down the doctor and I have*
24 *some other doctors as well that also put down the*
25 *doctor I went to. Well, this doctor is fully*

1 *licensed in these toxicologists here in the state.*

2 *Okay. So, they put down that the doctor didn't know*
3 *what he was doing, that the test were not a valid*
4 *test, and that the laboratory that the results were*
5 *obtained from, was not a certified laboratory.*

6 *Well, I beg to differ. If you look at the OSHA law,*
7 *the doctor is fully licensed by the State, knows*
8 *what he is doing, did the proper test by OSHA law,*
9 *and you can test by chelation or you can also do the*
10 *chelation therapy. Both of them are recognized OSHA*
11 *law. And for anybody to go ahead and try to put it*
12 *down, to me they are discouraging people from trying*
13 *to make themselves feel better and get better.*

14 *And to me right now, I feel that the whole*
15 *thing is a massive coverup for which even our own*
16 *Hantack Union is right in the middle of it, and I am*
17 *not happy at all with this whole situation. Because*
18 *instead of them doing investigation like they should*
19 *by OSHA law, they are burying their head in the*
20 *sand, and ignoring people while the body count keeps*
21 *going up.*

22 *Now, maybe I am a little more emphatic on*
23 *this than somebody else, but, I have a fairly good*
24 *reason, my son-in-law died three weeks ago, I buried*
25 *him, and he worked in the 300 area at the 313 and*

1 333 building, was exposed to beryllium, both
2 grinding and welding and also uranium oxide. They
3 have spontaneous fires in those buildings. And they
4 put them out without respiratory protection because
5 that is what they were told to do by safety and
6 industrial hygiene. And I am fed-up with the
7 industrial hygiene playing politics instead of
8 playing scientific and helping people out at the
9 site. I am not out there to cause trouble. I am
10 there to try to avoid trouble and get answers. And
11 so far, the only answers that I have got has been
12 nothing but flax or we will get back to you. This
13 needs to end. I am perfectly willing to escalate
14 this up as high as it takes to go ahead and get the
15 right answers, because I know for a fact that we are
16 not being taken care of. Our health and safety is
17 not being looked at by industrial hygiene and also
18 our own union and I have given them years and years
19 of chance, has betrayed me once again. And I am
20 tired of that as well. The politics needs to quit.

21 If you have any questions of me, I am
22 perfectly willing to answer them, if I have got it.

23 MS. ROGERS: No questions at this time.

24 MR. DEER: Okay. That three minutes that I
25 cut out, although I don't have any written material

1 in front of me, I am more than happy to carry on the
2 discussion if you folks come out here or we set up
3 another time. And I can back up anything that I
4 say.

5 Oh, one more thing. About 21 or 22 years
6 ago, they had a massive lead program out at tank
7 farms for which the program was to knock the
8 radiation dose on all the pits, piping, caissons,
9 and in-between East and West Area, the program was
10 to knock the dose down for radiation, down to 10
11 millirad or less. I specifically cite that as being
12 a major exposure to my lead being so high as well as
13 many other times that we have handled lead out there
14 and never once been trained to do it. And I have
15 the documentation on that. I looked through seven
16 pages of training since 1979 and we never have
17 officially been trained in any kind of lead handling
18 out there.

19 And because of that, there is a hell of a
20 lot of people that are displaying the symptoms that
21 you would have for lead poisoning, mercury poisoning
22 and other toxic metals. They only say that those
23 tests are good at the most for two months, for any
24 kind of toxic metal like that. And we need to go
25 back further than that. There are no tests

1 developed to cover historic exposures, and that is
2 where we are at. We need to deal mostly with
3 historic exposures, except for those that have
4 recent exposure. Okay.

5 But, this Lead Program went on for several
6 months, involved several people. I have witnesses
7 to that. I have names. Some of them are still out
8 there, and they have already signed a letter that I
9 wrote stating the entire exposure process out there
10 with this program. And I exhibit 90 to 95 percent
11 of the symptoms for lead and mercury exposure. And
12 that other ones I would have to go over in finer
13 detail like for nickel, cadra, etc. as to how much,
14 how much I match with the symptoms. And that is also
15 permitted, from what I have read, as if you can't
16 find the amount of deposition of some toxic metal,
17 then you look for the symptoms exhibited. And I
18 have that well documented through HEHF, my personal
19 doctor, the toxicologist. I also have two letters
20 from both those doctors, a letter each, stating that
21 they feel sure that my exposure, symptoms that I
22 exhibit, and all the health problems that I have,
23 are because of exposure out at Hanford.
24 Now they are willing to stick their neck on the line
25 and I can't get anyone to stick their neck on the

1 line out here at work. It is about time that we get
2 down to the truth. Everything else has been
3 stretched out of proportion. I have been told,
4 well, maybe you ate a lot of Albacore tuna, or maybe
5 you chewed on split shot for fishing, and all these
6 stretches of the imagination that are pathetic
7 compared to the realities of what I just described
8 to you and can back up even with pictures. I can
9 show you pictures. I could show you locations of all
10 the lead out in tank farms.
11 And I am willing to do that.

12 MS. ROGERS: Thank you.

13 MR. DEER: Thank you very much.

14 MS. ROGERS: Do we have any other speakers?

15 MR. CAVANO: No, we don't. Oh.

16 MR. CONANT: Can I say one thing real quick?

17 MS. ROGERS: Sure.

18 MR. CONANT: Joe Conant. Tank Farms 2, when
19 they weren't monitoring them, that is when we were
20 most busy transferring the waste and stuff, so now
21 that they have had time for these tanks to settle
22 down in that, you are going to get a far reading
23 below. You might just get where it says highly
24 toxic. When we were full going and transporting
25 that waste, it was 100 times worse. So, when you do

1 *start reading these things and getting the*
2 *measurements, and finding out how bad it is, just*
3 *figure times it by 100. Okay. Thank you very much.*

4 *MS. ROGERS: Thank you very much.*

5 *Any rebuttal or clarifying statements?*

6 *MR. CAVANO: No.*

7 *MS. ROGERS: Okay. It is about five minutes*
8 *to five our time, which means it is about five*
9 *minutes to two your time.*

10 *MR. CAVANO: Correct.*

11 *MS. ROGERS: Okay. On behalf of the*
12 *Department of Energy, I would like to thank you all*
13 *for participating in this public hearing. Your*
14 *comments will be put in the formal record. It*
15 *should be on our website in about two weeks. And*
16 *again, we would like to thank you and ask that if*
17 *you have any information that you would like to*
18 *submit that was not submitted today, or if you did*
19 *not have enough to submit the information that you*
20 *wanted to submit, the comment period closes April*
21 *26. It can be post dated April 26. You still have*
22 *time to get in a lot of documented information if*
23 *you would like to do so.*

24 *Again, on behalf of the Department of*
25 *Energy, I would like to thank you all for*

1 *participating in this rulemaking activity. And this*
2 *will end the public hearing for 10 CFR 851,*
3 *Supplemental Notice of Proposed Rulemaking for*
4 *Workers Safety and Health. Thank you.*

5 *MR. CAVANO: Have a good day.*

6 *MS. ROGERS: Thank you. You, too.*

7 *(Whereupon, at 5:00 p.m., the public*
8 *meeting was concluded.)*